

July 26, 1995

SUMMARY OF CIA INSPECTOR GENERAL REPORT
RELATING TO AGENCY ACTIVITIES IN GUATEMALA

The CIA Inspector General has completed a seven month investigation of allegations concerning Agency activities in Guatemala. This investigation was conducted by a team of 17 Investigators, plus support personnel, and included the review of over 56,000 pages of materials and interviews of over 200 individuals, including present and former DCI's, DDO's, Ambassadors, State Department officials, and staff members of the Senate and House intelligence oversight committees.

The result is a seven volume final Report of Investigation consisting of over 700 pages of findings, conclusions and recommendations. These recommendations include both systemic and administrative actions for consideration by Director of Central Intelligence Deutch and other senior Agency officials.

The major conclusions of the Inspector General's investigation are as follows:

- No evidence has been found that any employee of the Central Intelligence Agency in any way directed, participated in, or condoned the murder of Michael DeVine.
- No evidence has been found to indicate that Agency personnel in any way directed, participated in, or condoned the capture, torture, subsequent disappearance, and possible death of Efraim Bamaca.

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- No evidence has been found to indicate that any Agency employee encouraged, participated in, condoned, or concealed any action that constituted a potential violation of U.S. criminal law.
- Reports received by the Agency that persons with whom the CIA had contact were involved in that murder or possible death were found by the Inspector General to be seriously flawed.
- No evidence has been found to indicate that any Agency employee knowingly misled the congressional oversight committees or deliberately decided to withhold information from them.
- No evidence has been found to indicate that any Agency personnel made any effort to remove, dispose of, or destroy classified Agency documents to avoid any investigation.
- No evidence has been found to indicate that any Agency employee deliberately withheld any information relating to the DeVine case from the Department of Justice.

The investigation concluded that CIA was performing its mission in Guatemala subject to legitimate intelligence requirements from U.S. Government policymakers for information concerning human rights issues in Guatemala; the status of the insurgency in Guatemala; and narcotics trafficking in Guatemala. These Agency activities were conducted under well-established Executive branch guidelines and congressionally approved programs. Agency reporting on the DeVine and Bamaca cases was a major factor in U.S. diplomatic demarches to the Guatemalan Government. In order to acquire needed intelligence, the Agency was required to establish and maintain very close contacts with a military organization that had a long history of human rights abuses and military personnel who may have engaged in such abuses.

The Agency acquired information in an October 1991 report alleging that Colonel Julio Roberto Alpirez may have been "present" during an interrogation of Michael DeVine by another officer that ended in DeVine's death. The Agency immediately referred the information to the Department of Justice even though there were substantial grounds for questioning the credibility of this information. It was at variance with other available evidence regarding Alpirez's character and the circumstances of the DeVine killing, including that gathered by a private investigator working for DeVine's wife. The Agency officer who reported the information says it was unclear whether "present" meant that Alpirez was merely in the area or in the interrogation. Furthermore, the officer now says that he is uncertain about the accuracy of key elements of the information that he reported to the Agency about these events.

Similarly, the Agency has only one report that Alpirez was responsible for killing Bamaca. However, a substantial body of information contradicts that report and indicates instead that Bamaca was captured alive, interrogated by Alpirez and then removed from under his control by other military personnel. Furthermore, the information that Alpirez killed Bamaca was at least fourth-hand and provided by an individual who had made contradictory statements earlier regarding Bamaca's fate.

The investigation concluded that certain Agency officers did not meet the Agency's professional standards for accurate and timely reporting of intelligence in connection with the two key reports about Alpirez. These reports were flawed, the Inspector General concluded, with the result that policymakers were unintentionally misled. Appropriate review and corroboration of the information available to Agency officers at the time would have raised very serious doubts about the factual basis of the key reports.

Further, the investigation determined that the Agency did not meet its responsibilities to keep the congressional intelligence oversight committees fully and currently informed. Agency officers intended that the Congress should be informed of information relating to matters of interest to the committees but failed to follow

through. As a result of management inattention, congressional notification was delayed for over three years with regard to one key report. However, no evidence has been found to indicate that any Agency personnel advocated not notifying Congress or made a decision not to do so. No satisfactory explanation has been provided as to why the committees were not notified, but those involved state it was forgotten in the course of events when no one took clear responsibility to ensure it was done.

The investigation also found that the U.S. Ambassadors to Guatemala were not kept appropriately informed about what the Agency knew regarding various aspects of the DeVine and Bamaca cases. On several occasions, based upon apparent concern for protection of sources or Agency equities, Agency personnel failed to exercise good judgment in determining what should be told to the U.S. Ambassadors in Guatemala.

Finally, the analysis that the Agency provided to various officials about these matters was incomplete in certain respects. Agency analysts were not provided, or did not use, all available information from Agency reports in assessing Alpirez's role in the DeVine and Bamaca cases.

The Inspector General has made recommendations to the Director concerning personal accountability on the part of certain Agency officers and for changes in Agency practices and procedures. These systemic recommendations deal with enhancing congressional and ambassadorial notification; improving selection of personnel for senior assignments; increasing evaluation of sources; heightening attention to the accuracy of reports; emphasizing follow-up reporting of human rights abuses; refining procedures for operational decision-making; considering all relevant information in performing analytical functions; and reforming the DO records system.

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WHAT'S NEWS

at CIA

July 27, 1995

No. 231

SPECIAL ISSUE ON GUATEMALA

Inspector General Reports on Investigation on Guatemala

The CIA Inspector General has completed a seven month investigation of allegations concerning Agency activities in Guatemala. This investigation included the review of over 56,000 pages of material and interviews of over 200 individuals, including present and former DCI's, DDO's, Ambassadors, State Department officials, and staff members of the Senate and House intelligence oversight committees.

The result is a final Report of Investigation consisting of findings, conclusion and recommendations for both systemic and administrative actions to be taken by the Director of Central Intelligence.

The major conclusions:

- No evidence has been found that any employee of the Central Intelligence Agency in any way directed, participated in, or condoned the murder of Michael DeVine.
- No evidence has been found to indicate that Agency personnel in any way directed, participated in, or condoned the capture, torture, subsequent disappearance, and possible death of Efrain Bamaca.
- No evidence has been found to indicate that any Agency employee encouraged, participated in, condoned, or concealed any action that constituted a potential violation of US criminal law.
- Reports received by the Agency that persons with whom the CIA had contact were involved in that murder or possible death were found by the Inspector General to be seriously flawed.

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- No evidence has been found to indicate that any Agency employee knowingly misled the congressional oversight committees or deliberately decided to withhold information from them.
- No evidence has been found to indicate that any Agency personnel made any effort to remove, dispose of, or destroy classified Agency documents to avoid any investigation.
- No evidence has been found to indicate that any Agency employee deliberately withheld any information relating to the DeVine case from the Department of Justice.

The investigation concluded that CIA was performing its mission in Guatemala subject to legitimate intelligence requirements from US Government policymakers for information concerning human rights issues in Guatemala; the status of the insurgency in Guatemala; and narcotics trafficking in Guatemala. These Agency activities were conducted under well-established Executive Branch guidelines and congressionally approved programs. In order to acquire the needed intelligence, the Agency was required to associate with individuals in Guatemala who had direct knowledge about those issues.

When the Agency acquired information alleging that persons with whom it had contact may have been involved in the death of Michael DeVine, it ended that contact and referred the information to the Department of Justice. These actions were taken even though there existed a substantial basis for questioning the credibility of this information.

The investigation also concluded that certain Agency officers did not meet the Agency's professional standards for accurate and timely reporting of intelligence. Agency reporting on the DeVine and Bamaca cases was a major factor in US diplomatic demarches to the Guatemalan Government. Nonetheless, two key reports about the death of Michael DeVine and the capture and fate of Efraim Bamaca were flawed, the Inspector General concluded, with the result that policymakers were unintentionally misled. Appropriate review of the information available to Agency officers at the time would have raised very serious doubts about the factual basis of the reports.

Further, the investigation determined that the Agency did not meet its responsibilities to keep the congressional intelligence oversight committees fully and currently informed. Agency officers intended that the Congress should be informed of various reports relating to matters of interest to the committees but failed to follow through. As a result of management inattention, congressional notification was delayed for over three years with

regard to one such report. However, no evidence has been found to indicate that any Agency personnel advocated not notifying Congress or made a decision not to do so. No satisfactory explanation has been provided as to why the committees were not notified, but those involved state it was forgotten in the course of events when no one took clear responsibility to ensure it was done.

The investigation also found that the US Ambassadors to Guatemala were not kept appropriately informed about what the Agency knew regarding various aspects of the DeVine and Bamaca cases. On several occasions, based upon apparent concern for protection of sources or Agency equities, Agency personnel failed to exercise good judgment in determining what should be told to the US Ambassadors in Guatemala.

Finally, the analysis that the Agency provided to various officials about these matters was incomplete in certain respects. Agency analysts were not provided, or did not use, all available information from Agency reports in assessing Alpirez's role in the DeVine and Bamaca cases.

The Inspector General has made recommendations to the Director concerning personal accountability on the part of certain Agency officers and for changes in Agency practices and procedures. Excerpts from the DCI's statement on how he intends to address these recommendations appear on pages 4-6 of this issue. (*This is UNCLASSIFIED.*)

White House Issues Statement on Guatemala

White House Press Secretary Mike McCurry released a statement on July 26 regarding the CIA IG's investigation of Guatemala and the ongoing review by the President's Intelligence Oversight Board. The paragraphs below are excerpts from the press statement.

On March 30, 1995, the President directed the Intelligence Oversight Board to conduct a government-wide review concerning allegations surrounding the 1990 death of American citizen Michael DeVine and the 1992 disappearance of Guatemalan guerrilla leader Eirain Bamaca Valasquez and related matters. Under terms of reference issued on April 7, 1995, the scope of the inquiry also covers any intelligence bearing on the deaths, disappearance or abuse of US citizens in Guatemala since 1984....

Because other agency investigations and the IOB's review are not yet complete, the IOB reserves judgment on the CIA IG's findings, conclusions and recommendations. The IOB believes, however, that the report's key

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findings of fact are substantially consistent with what the IOB has so far independently found. Most importantly, the IOB is presently aware of no information indicating that CIA officials were involved in the abduction and murder of Michael DeVine or the reported torture and execution of Efraim Bamaca Valasquez....

The IOB concurs with the CIA IG's conclusion that the CIA's performance in notifying Congress was inadequate and agrees that the CIA should establish a new system to ensure adequate Congressional notification. Similarly, the IOB agrees that the CIA Headquarters and station did not keep ambassadors appropriately informed in several important instances....

Once all the agencies have provided their reports to the IOB and the IOB's independent review is complete, the IOB will present to the President a comprehensive report addressing the full terms of reference, including the overall US intelligence relationship with Guatemala in a changing landscape, the coordination of intelligence and policy, the remaining identified victims, the notification of families, and management issues. (*This is UNCLASSIFIED.*)

Excerpts from the Statement by the Director of Central Intelligence
on Guatemala Before HPSCI, July 25, 1995
(Read by Jeffrey H. Smith, General Counsel)

I have reviewed the CIA Inspector General's report on intelligence activities in Guatemala, dated 15 July. I commend the Inspector General for this work. I am not pleased to read criticism of any part of the Agency, but as I have said before, when we have done something right, we should be proud; when we have done something wrong, we must acknowledge mistakes and act promptly to correct them....

I report to you today actions I will take in response to these recommendations. I wish to emphasize that these are initial decisions. Final action that may go further than the Inspector General recommendations in some areas must await consultations with my CIA and State Department colleagues. When I have made all of my decisions, including any disciplinary measures, I will make a final report to you....

Congressional Notification. The Inspector General concludes that, in the past, there has been an institutional predisposition at CIA against sharing information with Congress. Let me assure you that I have taken and will continue to take steps to ensure that Oversight Committees are fully and currently informed of all intelligence activities.

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I will shortly issue new, detailed guidelines and will be taking other measures, along the lines recommended by the Inspector General to ensure that we keep Congress fully and currently informed.... I also intend to adopt the Inspector General's recommendation that each Deputy Director and head of independent office conduct a quarterly review to determine whether all employees under their direction have reported to the Oversight Committees.

Ambassadorial Notification. I intend to issue new guidance concerning the responsibilities of the Chief of Station to keep the Ambassador informed, [REDACTED]

[REDACTED] I will consult with Secretary of State Christopher on this matter.

Selection of Chiefs of Station. I shall instruct the CIA Executive Director for issue a new state of standards for the process of selecting Chiefs of Station and to ensure that the new policy is followed.

[REDACTED]

Collection and Reporting Responsibility. Accurate reporting is fundamental to the success of the intelligence process. Regulations cannot solve this problem. Only management attention in day to day operations can ensure reliability. I expect and require no less.

Human Rights Reporting. I have asked the General Counsel to review our internal procedures for assessing and acting on assets who may have violated human rights or US law. These procedures are especially necessary because the most desirable potential assets frequently have serious problems.

[REDACTED]

[REDACTED] We do not condone any actions that may violate US criminal law, and we will continue to report such information to the FBI and the Department of Justice, as we did in this case.

Analytical Functions. I agree with the Inspector General that Directorate of Intelligence analysts should have greater access to [REDACTED] when such interaction will serve to strengthen the intelligence product. As part of the new partnership program between the Directorates of Operations and Intelligence analysts have been given improved access, although I do believe

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there are occasions when greater access is warranted. I expect the new Deputy Director for Operations and Deputy Director for Intelligence to work to remove remaining barriers. The Directorate of Intelligence must also continue its emphasis on improved analytic tradecraft to ensure that major conclusions are supported by a strong evidentiary base.

DO Records System. I am directing the CIA Executive Director to initiate a major investment program to modernize Directorate of Operations records keeping and to involve Counterintelligence fully in this effort.

Accountability. I have asked the Executive Director, General Counsel, and the Chief of Staff to review recommendations concerning accountability of specific Agency employees and report their findings to me.

These changes will improve the CIA. The Inspector General Report does not criticize the heart of the Intelligence Community's mission and functions, which continue to be essential for the Nation and to reflect the dedication and skill of its employees. (*This is ~~SECRET~~.*)

*Produced by the
Agency Information Staff*



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*Central Intelligence Agency
Inspector General*

REPORT OF INVESTIGATION

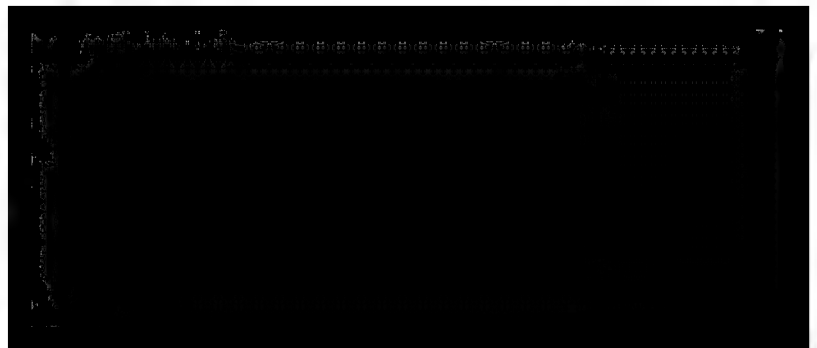


GUATEMALA: VOLUME I
OVERVIEW
(95-0024-IG)

July 15, 1995

*Frederick P. Hitz
Inspector General*

*A. R. Cinquegrana
Deputy Inspector General
for Investigations*

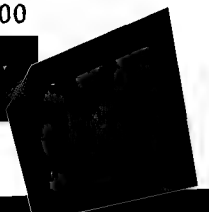


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B. [REDACTED]

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G. Passage of Intelligence, or Other Information, to Private Citizens

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OFFICE OF INSPECTOR GENERAL
INVESTIGATIONS STAFF

REPORT OF INVESTIGATION
GUATEMALA

GUATEMALA: VOLUME I
OVERVIEW
(95-0024-IG)

July 15, 1995

INTRODUCTION

1. On January 27, 1995, based upon a review of relevant intelligence reporting from the CIA Station in Guatemala, Acting Director of Central Intelligence Admiral William O. Studeman asked the Inspector General (IG) to investigate the relationship between CIA and Guatemalan Army officer Julio Roberto Alpirez, [REDACTED]. [REDACTED] Admiral Studeman requested that the investigation include CIA's knowledge of Alpirez's alleged involvement in the killing of U.S. citizen Michael DeVine and the possible death of Guatemalan insurgent leader Efraim Bamaca Velasquez.

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2. A February 15, 1995 letter from the Senate Select Committee on Intelligence (SSCI) posed additional questions to the IG concerning [REDACTED] Alpirez. The SSCI letter included questions about notification to the congressional oversight committees regarding [REDACTED]

3. On March 22, 1995, Congressman Robert Torricelli (D-N. J.) wrote to President Clinton alleging that the CIA had been involved in two murders in Guatemala in the 1990's and that the U.S. Government had misled the American public about the two cases. According to Congressman Torricelli, the first case involved Michael DeVine, an American citizen who had lived in Guatemala for 18 years and was abducted by soldiers and killed on June 8, 1990. In September 1992, six Guatemalan enlisted men were convicted and sentenced to 30 years in prison in connection with the DeVine killing. In May 1993, a Guatemalan captain who allegedly ordered the killing was sentenced to 20 years in prison, but disappeared the same day.

4. The second case cited by Congressman Torricelli involved Efraim Bamaca Velasquez, a Guatemalan insurgent leader who was reportedly captured by the Guatemalan Army on March 12, 1992. He was allegedly held at several locations, tortured, and reportedly killed. According to Congressman Torricelli's letter, the U.S. Government's official claim that it did not know who was responsible for these killings was untrue. DeVine and Bamaca, said Torricelli, were both "murdered under the direction of Colonel Julio Roberto Alpirez, a Guatemalan intelligence officer, who was under a contract with the CIA and remained on its payroll at the time of the murders." Both the State Department and the National Security Agency, said the Congressman, were aware that the U.S. Government "was complicitous in these murders and continued to mislead the families and the American public."

5. The Congressman's letter stated that the indication of "direct involvement by the CIA in these murders" leads "to the extraordinary conclusion that the (CIA) is simply out of control and . . . contains

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what can only be called a criminal element. The [CIA] clearly has too many resources at its disposal and too little supervision." The Congressman asked the President to secure all information relating to these cases; determine whether there was any deliberate attempt to mislead the Justice Department (DoJ) or any other U.S. agency; request a thorough DoJ investigation; and fire any U.S. government employees who misled the public about these matters. At the same time, Congressman Torricelli released his letter to *The New York Times*.

6. On March 30, 1995, the President directed that the Intelligence Oversight Board (IOB) conduct a government-wide review of allegations surrounding the death of DeVine and the disappearance of Bamaca, as well as any related matters. The IG investigation initially requested by Admiral Studeman was broadened to include the SSCI's questions, the IOB's questions, and other issues that developed during the public debate that followed Congressman Torricelli's allegations. For example, a May 5, 1995 letter from Congressman Torricelli to the IG reported allegations by a former Drug Enforcement Administration agent that DeVine was killed because he had discovered a narcotics trafficking operation run by Colonel Alpirez. According to this second letter from the Congressman, the CIA concealed this information from DoJ and prevented DoJ from finding a political motive for the killing, thereby constituting an obstruction of justice. Finally, a May 11, 1995 letter from the Chairman of the IOB asked the IG to look into allegations that relevant documents were being sent to former Agency employees to conceal them from investigators.

SCOPE OF INVESTIGATION

7. The Acting DCI's January 27, 1995 request for an IG investigation, as recorded in a February 3, 1995 memorandum, referred to "recently obtained information suggesting that [REDACTED] Alpirez may have murdered the Guatemalan insurgent leader Efraim Bamaca Velasquez." Accordingly, the IG was requested to address the Agency's

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relationship with Alpirez; its knowledge of any involvement by him in human rights abuses, including the DeVine killing; the Agency response to derogatory information about Alpirez, including that related to the DeVine and Bamaca killings; whether CIA complied with relevant statutes, regulations, and procedures pertaining to human rights and congressional notification; and whether different actions would have resulted had current authorities been in effect.

8. The February 15 SSCI letter added more specific questions regarding when and how the congressional oversight committees were informed that Alpirez may have been involved in the DeVine killing;

[REDACTED] the referral of information to DoJ and how it was handled;

[REDACTED] These questions, and the expanded allegations of CIA complicity in the DeVine and Bamaca killings that were made by Congressman Torricelli on March 22, 1995, required the IG to expand its inquiry [REDACTED] and into what the Agency knew about DeVine and Bamaca before and after the killings, how that information was handled, and to whom and when it was reported.

9. On April 7, 1995, the President's IOB issued Terms of Reference for its inquiry, as directed by the President, into any and all aspects of the DeVine and Bamaca cases, as well as related matters. The Terms of Reference also included any intelligence relating to the torture, disappearance, or death of any U.S. citizens in Guatemala since 1984, including Sister Diana Ortiz in 1989, Griffith Davis in 1985, and Nicholas Blake in 1985. Further, detailed questions were raised by the IOB concerning dissemination practices, the U.S. intelligence relationship with Guatemala, and the process for validating sources of information. The CIA, Department of Defense (DoD), and State Department IGs were asked to address these matters in their investigations insofar as they were applicable to those agencies.

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10. [REDACTED]

Finally, at the request of the IOB, the investigation was expanded further to include allegations that CIA was concealing documents by sending them to former employees.

11. IG Reports of Investigation are usually issued individually and present each case independently. Because of the nature and scope of the issues presented in connection with the Agency's activities in Guatemala, a multi-volume approach is desirable to present the individual cases, but an overview is also necessary to present the overall portrait they present of Agency activities in Guatemala.

12. Volume One, with Exhibits A through G, presents such an overview. It describes the context within which the events occurred, provides the basic facts of the individual cases, discusses the general allegations that have been made regarding the Agency and the activities it has conducted in Guatemala and presents conclusions and recommendations. The Exhibits outline the legal and policy framework within which the Agency operated.

13. Volume Two is a Report of Investigation concerning the alleged dispersal and concealment of CIA records related to Guatemala. Volumes Three through Six present findings regarding questions raised by the ADCI, Congress, the IOB, and the OIG itself. Each volume focuses on one subject: III--Alpirez; IV--DeVine; V--Bamaca; and VI--[REDACTED]. These individual cases feature common elements and relate to similar themes. The individual volumes are presented in a manner that allows consideration of their

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separate findings, but the overview promotes consideration of the interrelationships between them. Volume VII includes an Index and Glossaries.

14. The scope and nature of CIA's [REDACTED] in Guatemala, i.e., the remainder of the intelligence relationship referred to in the IOB's Terms of Reference, will be the subject of a separate investigation and will be described in a separate IG report. Also remaining to be investigated are the questions of (a) what information was available to CIA regarding other human rights abuses of U.S. citizens in Guatemala since 1984; and (b) the Agency's relationship with [REDACTED] allegedly involved in human rights abuses in Guatemala.

PROCEDURES AND RESOURCES

15. The investigation initially involved two investigators from the Investigations Staff of CIA's Office of Inspector General, who began in January by reviewing files and interviewing knowledgeable employees regarding [REDACTED] Alpirez. By early April, the IG had expanded the effort to include an investigative team of 17 Investigators. An April 3, 1995 tasking memorandum from the IG to the Deputy Director for Administration, Deputy Director for Intelligence, Deputy Director for Operations (DDO), Deputy Director for Science & Technology, General Counsel, Director of Congressional Affairs (D/OCA), Director of Public Affairs, and the Executive Secretariat requested that all information in the possession of those components that related to [REDACTED] Alpirez, DeVine and Bamaca be made available to the OIG. The components were also instructed to provide any additional relevant information as it was acquired or identified.

16. As a result of these requests and additional searches, over 56,000 pages of materials were reviewed and over 200 interviews were conducted. Interviewees included present and former DCIs and DDCIs, DDOs, Division Chiefs, Chiefs and Deputy Chiefs of

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Guatemala City Station, and Station officers. Regulations and guidance for the collection and handling of information relating to human rights abuses, reporting to Congress and Ambassadors, [REDACTED] were reviewed. Relevant records of the intelligence oversight committees were requested and reviewed insofar as they were available. Present and former members of the committee staffs were interviewed. National Security Council, DoJ, State Department and DoD personnel in the U.S. and at the Embassy in Guatemala were also interviewed, as were a former Ambassador, Mrs. DeVine and the private investigator who investigated the DeVine killing. Efforts to interview Alpirez in Guatemala proved to be unsuccessful. Throughout the investigation, substantial efforts have been made to cooperate with other related investigative activity by the IOB and the Inspectors General of the National Security Agency and the State, Justice and Defense Departments, as well as a special inquiry by the Justice Department.

BACKGROUND

THE SETTING

17. Central America. From the mid-1980's through the early 1990's, the CIA's activities in Central America took place within the context of wars in Nicaragua and El Salvador which spilled over into Honduras; a real, though diminishing, threat of Cuban subversion; and a long civil war in Guatemala. The Agency engaged in [REDACTED]

[REDACTED]
throughout the region. By the 1990s, the wars in Nicaragua and El Salvador had ended and peace negotiations were underway to end the diminishing civil war in Guatemala.

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18. Guatemala. Within Guatemala, politically inspired violence was common.* Military-civilian relations were tense.

- ♦ During this period, all factions of Guatemala's political spectrum used violence to further their political and economic interests. Far-right groups, in league with rogue elements of government security forces, were responsible for bomb attacks in Guatemala City and used assassinations to destabilize the Guatemalan Government. The leftist insurgency also engaged in economic sabotage, extortion and murder of military commissioners to bolster its political fortunes. Moreover, prior to the 1990 presidential election, political parties engaged in kidnapping, assault and robbery to raise campaign funds and settle political feuds;
- ♦ Guatemala's emergence as a narcotics transshipment and production center contributed to the deteriorating security situation;
- ♦ Military perceptions of government paralysis in the face of escalating violence and labor strife, as well as the weak civilian response to the insurgency, triggered two abortive coups during President Vinicio Cerezo Arevalo's administration (1986-1991); and
- ♦ In 1993, instability took the form of an effort by then President Serrano to expand his power by suspending the Guatemalan constitution. This effort collapsed when the military divided, which led to the appointment in June 1993 of Ramiro De Leon Carpio to replace Serrano.

* This violence goes back decades. For example, the insurgents are thought to have been responsible for the 1968 assassination of U.S. Ambassador Gordon Mein.

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19. The Guatemalan Military. Under Article 244 of the Guatemalan Constitution, the Guatemalan military is the guarantor of the nation. By long-standing practice, the officer corps serves as guarantor of its own status and position. The overwhelming majority of the roughly 2,000 officers in the Guatemalan military enter through the military academy and usually progress in rank by their class. As a corps, they support their classmates and friends and they support the military institution against external challenge. The senior officers in the Guatemalan military today were often field officers during the period of heaviest fighting and worst human rights abuses prior to 1985. Those senior officers are particularly sensitive to human rights charges against their colleagues, in parts because many of the senior officers engaged in questionable conduct as field officers. (See graphic, paaaage 11, explaining the structure and key personalities of the Guatemalan military during the relevant period.)

20. The Directorate of Intelligence (D-2) of the Guatemalan National Defense Staff is the national intelligence organization of the Guatemalan Government. Through (a) its headquarters in Guatemala City, (b) staff officers (G-2) in regional military Commands, and (c) intelligence officers (S-2) at the base or local level, the D-2 collects and analyzes information on armed insurgency groups, narcotics traffickers, opposition political parties, potential regional adversaries, and other issues. G-2 officers are under the command of their respective military zone or base commanders but also report directly to the D-2 in Guatemala City. D-2 collection capabilities include an informant network, interrogation of captured insurgents, as well as technical collection and investigative and surveillance teams. (See graphic, page 12, following, indicating the structure and key personalities of the D-2 during the relevant period.)

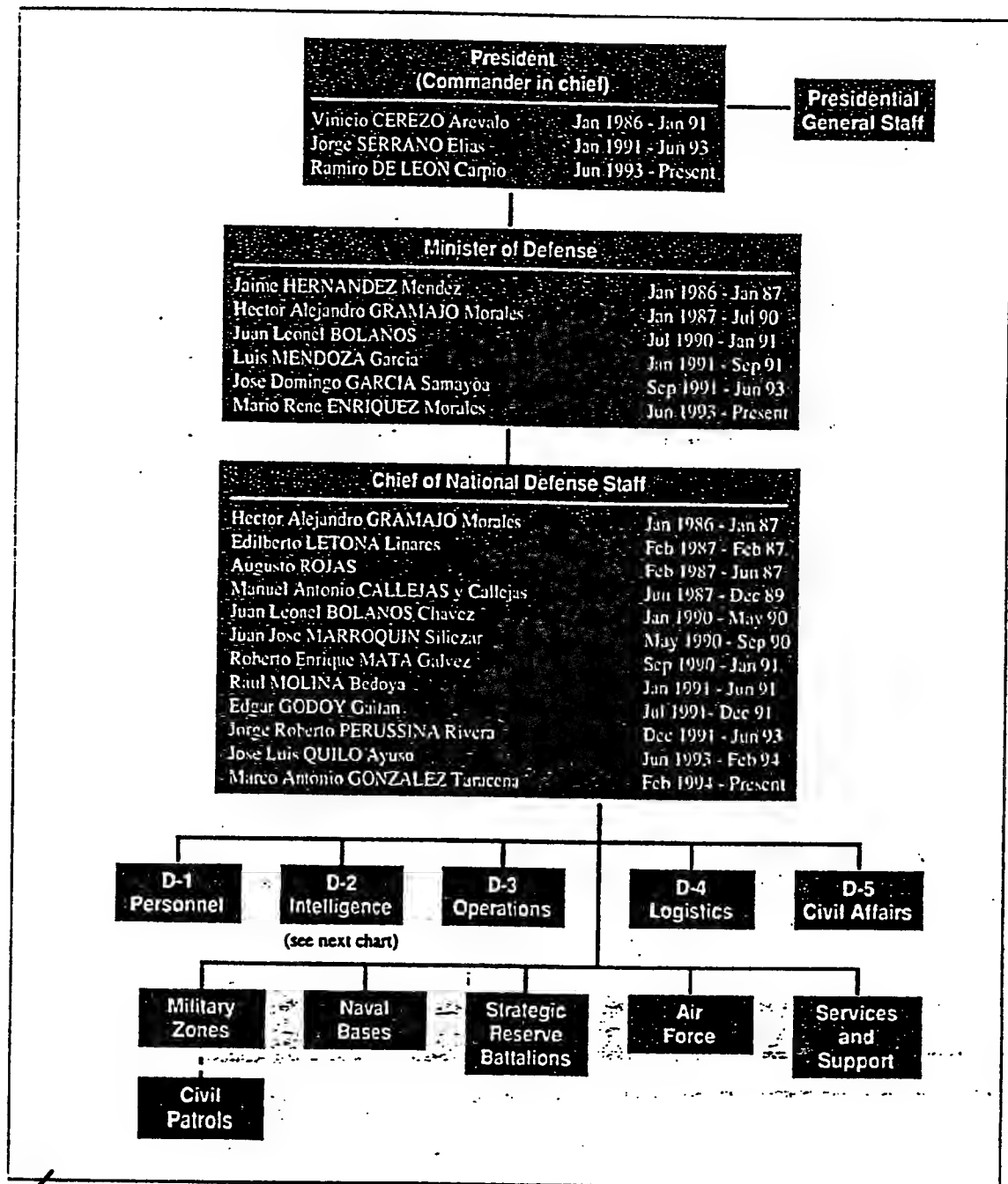
21. D-2 officers are generally selected from the best military academy graduates or particularly capable field officers. The core of the D-2 is composed of officers who spend their careers in intelligence and consider themselves the elite of the Guatemalan military. They identify themselves as members of the "Cofradia," an Indian term meaning "village elders."

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22. Another important intelligence organization with links to the military and the D-2 was the Department of Presidential Security (DSP), commonly referred to as the "Archivos," or Presidential Security Service. This organization, made up largely of military—including D-2--personnel, reported directly to the President and the Presidential General Staff. In 1993, the DSP was disbanded and replaced by a smaller Center for Analysis. This organization was to be an interim intelligence organization until a civilian-led national intelligence organization could be established. The DSP and its successor are significant because U.S. policy was to promote a democratically-oriented intelligence service and the CIA Station was required to be in close touch with them. [REDACTED] [REDACTED] Alpirez [REDACTED] associated with it.

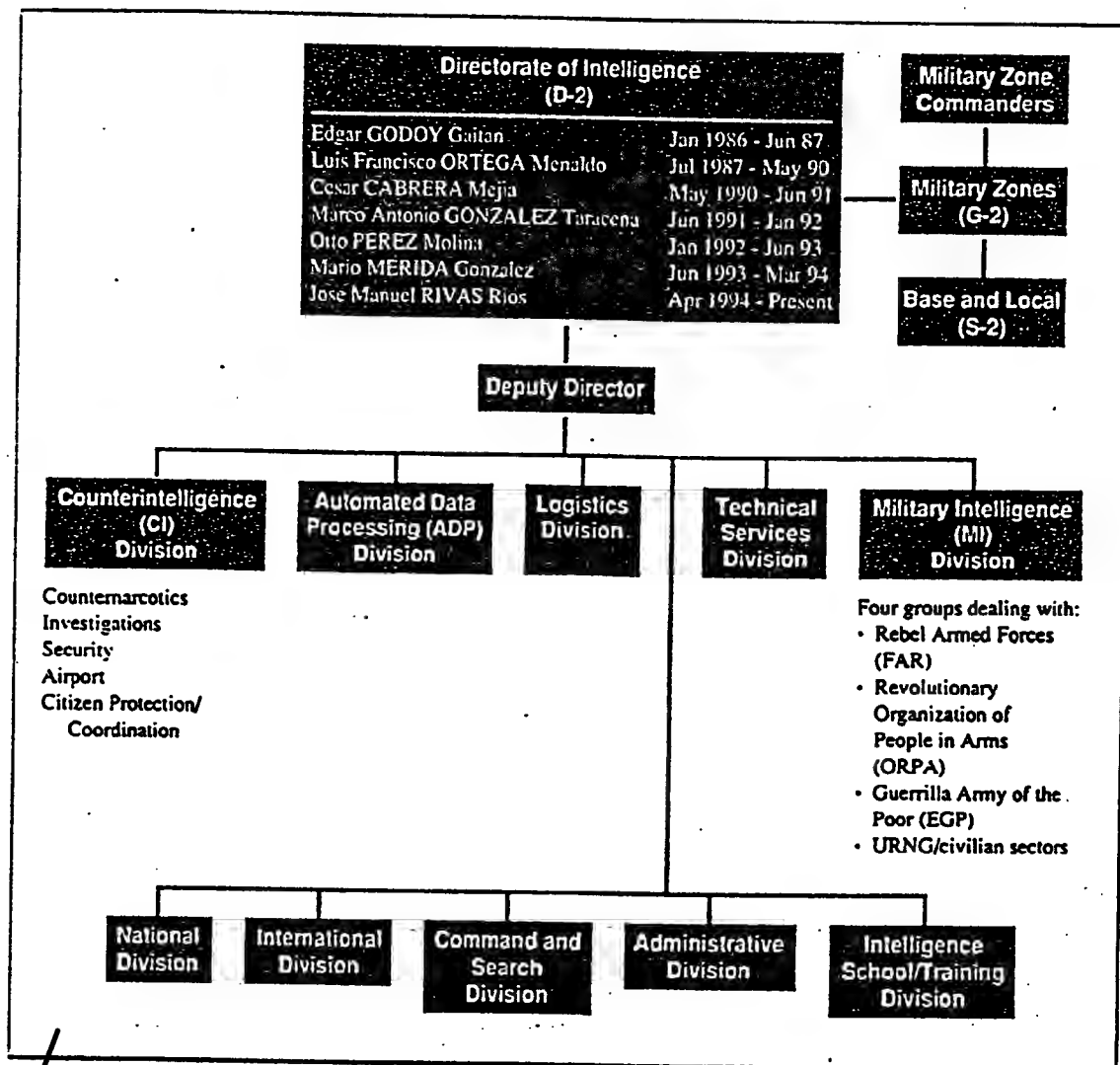
Guatemalan Military Structure and Key Personalities



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Guatemalan Directorate of Intelligence (D-2) Structure and Leadership



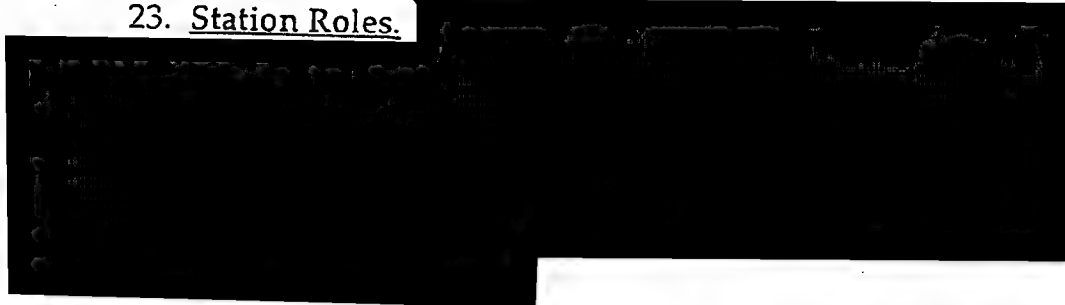
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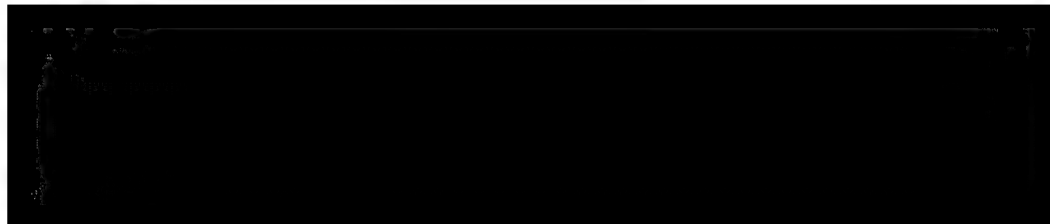
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GUATEMALA CITY STATION'S ROLES AND MISSIONS

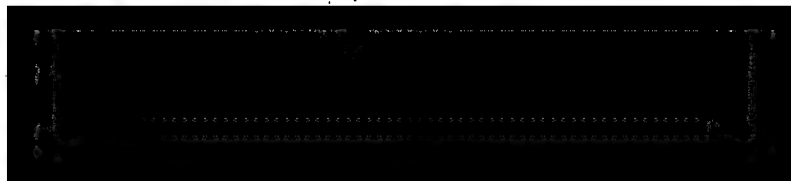
23. Station Roles.



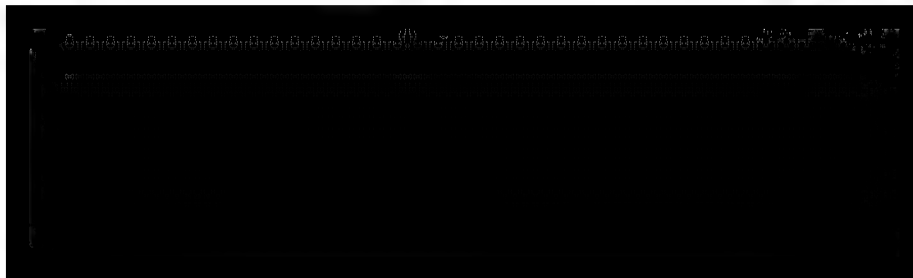
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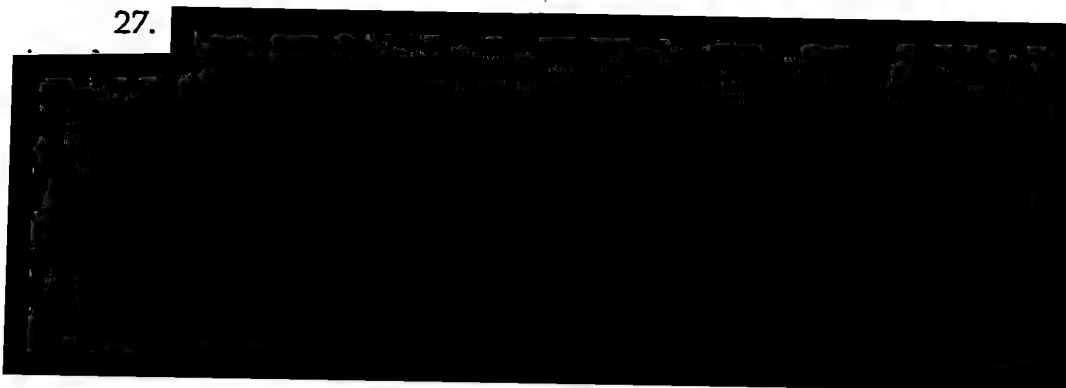
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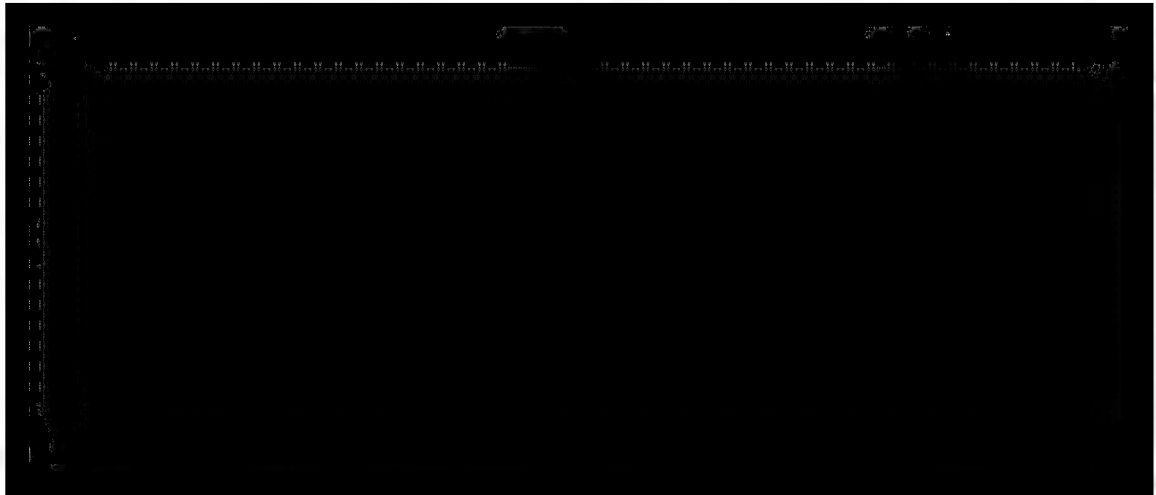


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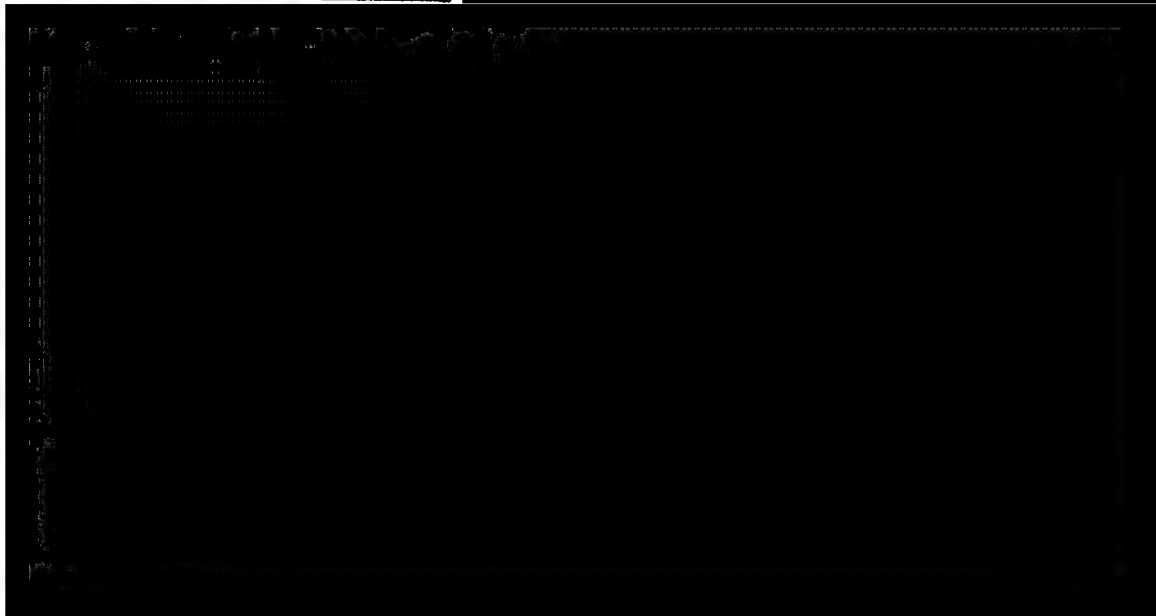


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30. Station Missions.



FACTUAL SUMMARY

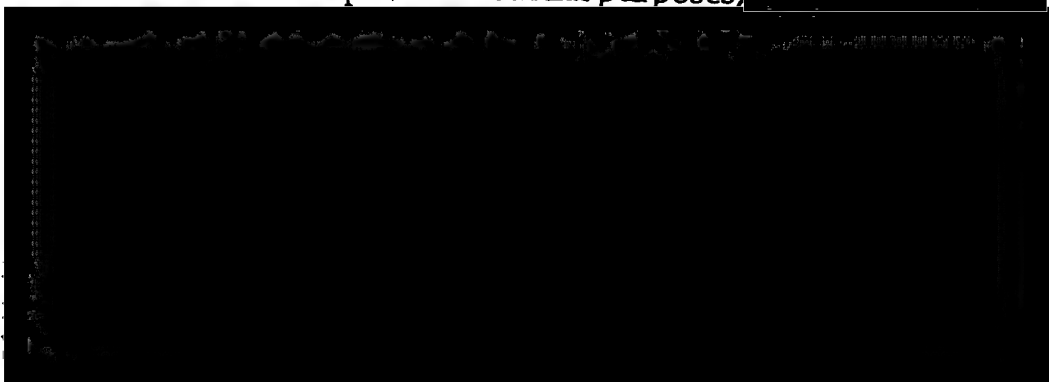
31. DeVine/Bamaca/Alpirez. Michael DeVine, a U.S. citizen who had lived for some years with his wife near Poptun, Guatemala, was killed on June 8, 1990. A variety of motives for the killing have been proposed since that time. Six Guatemalan soldiers and one officer were subsequently convicted and sentenced to lengthy prison terms for their involvement. However, the officer, Hugo Contreras,

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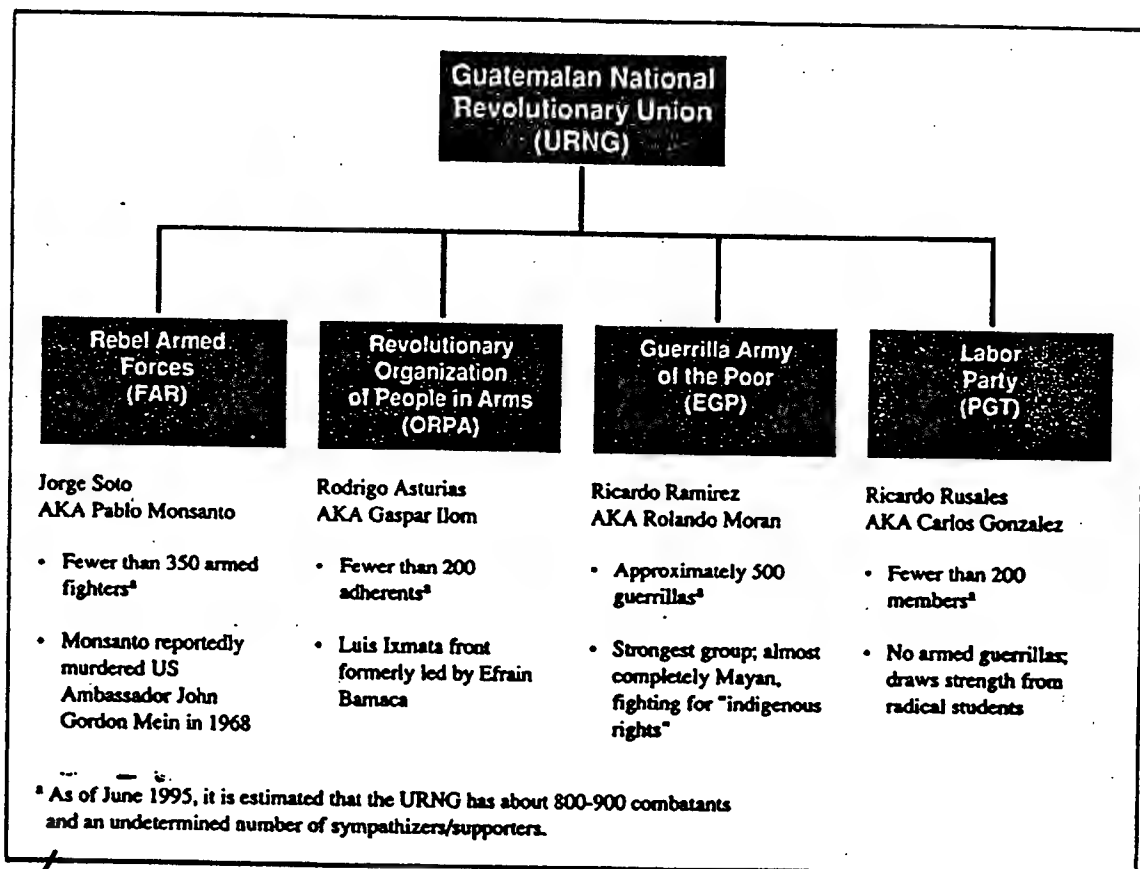
escaped from custody the day of his sentencing and remains a fugitive.

32. Efrain Bamaca Velasquez, also known as Comandante Everardo, was one of the leaders of the Organization of People in Arms (ORPA). ORPA is one of four Guatemalan leftist groups fighting against the Guatemalan Government under the umbrella of the Guatemalan National Revolutionary Union (URNG). (See following URNG Structural Chart.) Bamaca was reported missing in mid-March 1992 after a firefight with Guatemalan Army forces near Nuevo San Carlos in Western Guatemala. Contradictory reports about his fate have circulated ever since. Agency sources have indicated since 1992 that he was captured and cooperated with the Army. Recent reports indicate that senior Guatemalan officials believe he is dead, but his body has never been found.

33. While the death of DeVine and the disappearance of Bamaca were separate events occurring two years apart, they have recently become linked by reports that [REDACTED] Colonel Julio Roberto Alpirez, was involved in both cases. At the time of the Agency's first contact with Alpirez in 1987, he was a Major and Chief of the Presidential Security Department. Because his responsibilities placed him in a position where Agency interaction with him would be required for official purposes, [REDACTED]



Guatemala National Revolutionary Union (URNG)



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34. [REDACTED]

[REDACTED] Agency contact with Alpirez was minimal after January 1989 when he departed Guatemala for training at Fort Benning, Georgia and then was assigned to the Special Forces (Kaibil) School near Poptun, an 8-10 hour drive from Guatemala City. At the time of the DeVine killing in June 1990, Alpirez was commander of the Kaibil School.

35. In August 1990, the Station asked [REDACTED] determine if [REDACTED] had any information relating to the DeVine killing. In response, [REDACTED] report that the Guatemalan military had been involved in the DeVine killing and was also covering up its involvement. The resulting Agency intelligence report served as a basis for U.S. Government demarches and the partial suspension of U.S. military assistance to Guatemala.

36. In October 1991, the Agency disseminated an intelligence report that, [REDACTED] Alpirez had [REDACTED] been present at the interrogation of DeVine. This report contradicted earlier information regarding the specific circumstances of DeVine's killing and who was responsible. The report also contained information [REDACTED] that Alpirez had been acting erratically, had killed guerrilla captives and had been transferred for refusing to retract statements about military involvement in the DeVine killing. Neither source alleged that Alpirez actually killed DeVine or that Alpirez ordered DeVine's killing.

37. The October 1991 report that Alpirez had been present at the interrogation of DeVine led to Station and Agency actions to [REDACTED] report the information to the DoJ. On October 18, 1991, [REDACTED] Agency officers initiated the process for submission of a crimes report to DoJ. [REDACTED]

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[REDACTED]

[REDACTED] DOJ officials were advised of the allegations about Alpirez on November 18, 1991 and a written crimes report containing the information was submitted in the form of a letter from the Agency's General Counsel on November 19, 1991. Neither the congressional oversight committees nor Ambassador Stroock were informed of [REDACTED] the DOJ referral at this time.

38. [REDACTED]

[REDACTED]

39. In March 1992, Bamaca reportedly was captured by Guatemalan troops assigned to Military Zone 18, the same zone to which Alpirez, ironically, had been assigned [REDACTED]

[REDACTED]

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[REDACTED] More than two years passed before the Station received a report, in May 1994, that Alpirez [REDACTED] had personally interviewed Bamaca after his capture and that officers from the D-2 took Bamaca away. On November [REDACTED] 1994, [REDACTED] reported having been told by third parties that Bamaca had been captured alive and interrogated by Alpirez and others, but was now dead. On January [REDACTED] 1995, [REDACTED] reported that he had been told by [REDACTED] that military officers had said that it was known within the senior ranks of the Army that Alpirez was the individual who killed Bamaca.

40. [REDACTED]

41. [REDACTED]

42. [REDACTED]

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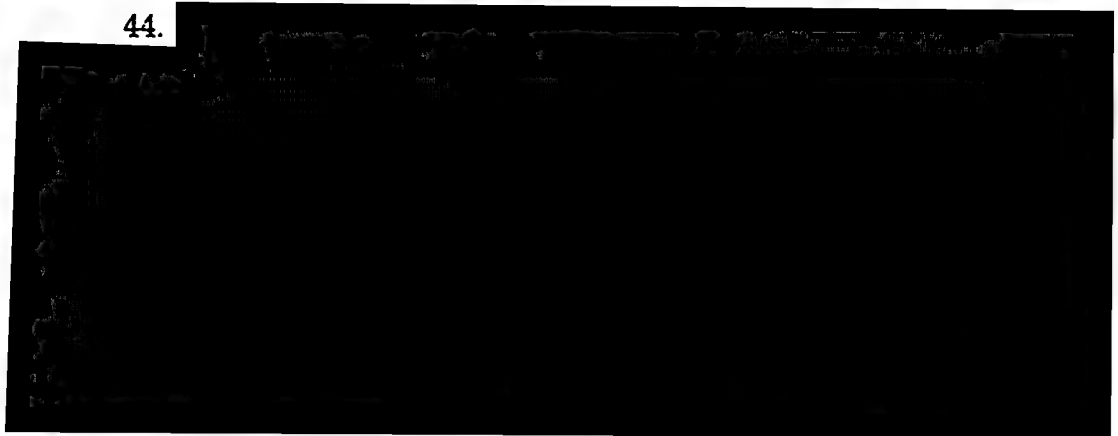
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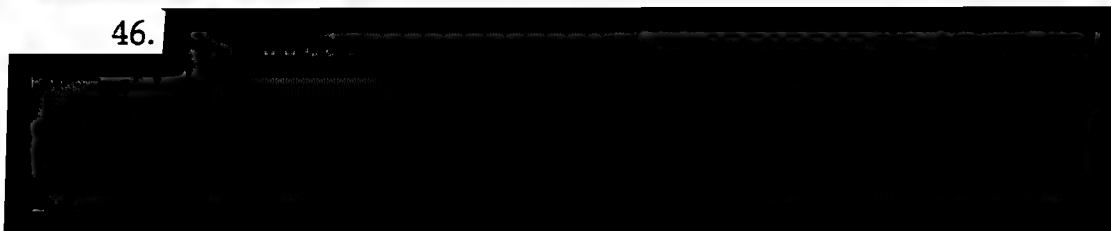


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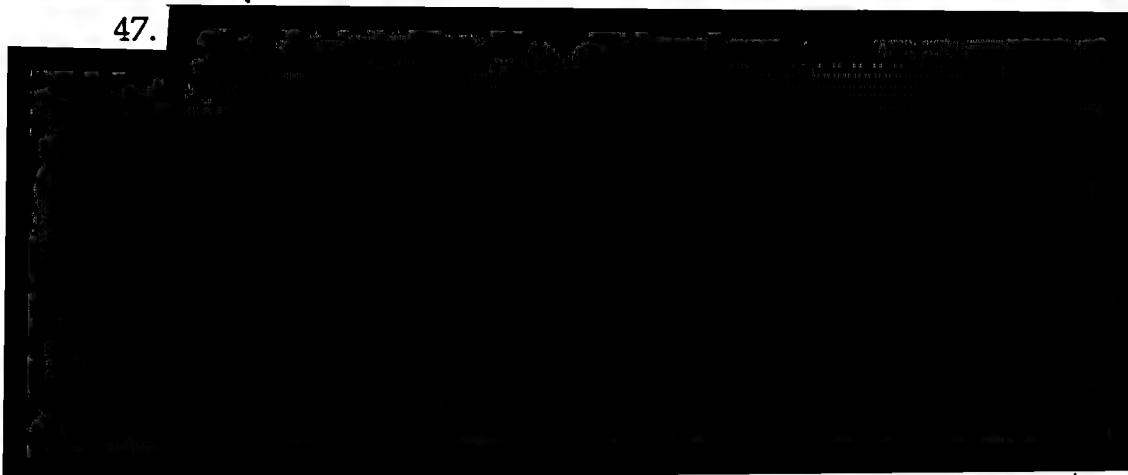
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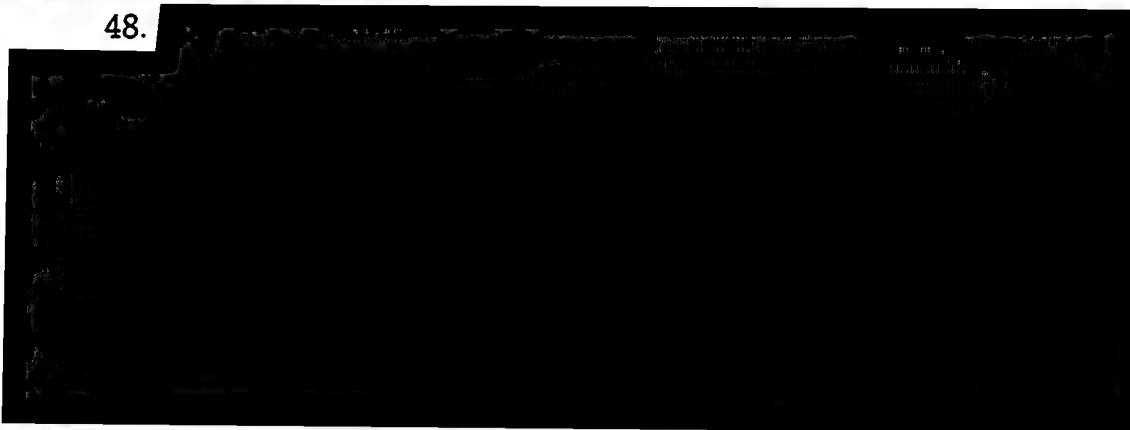
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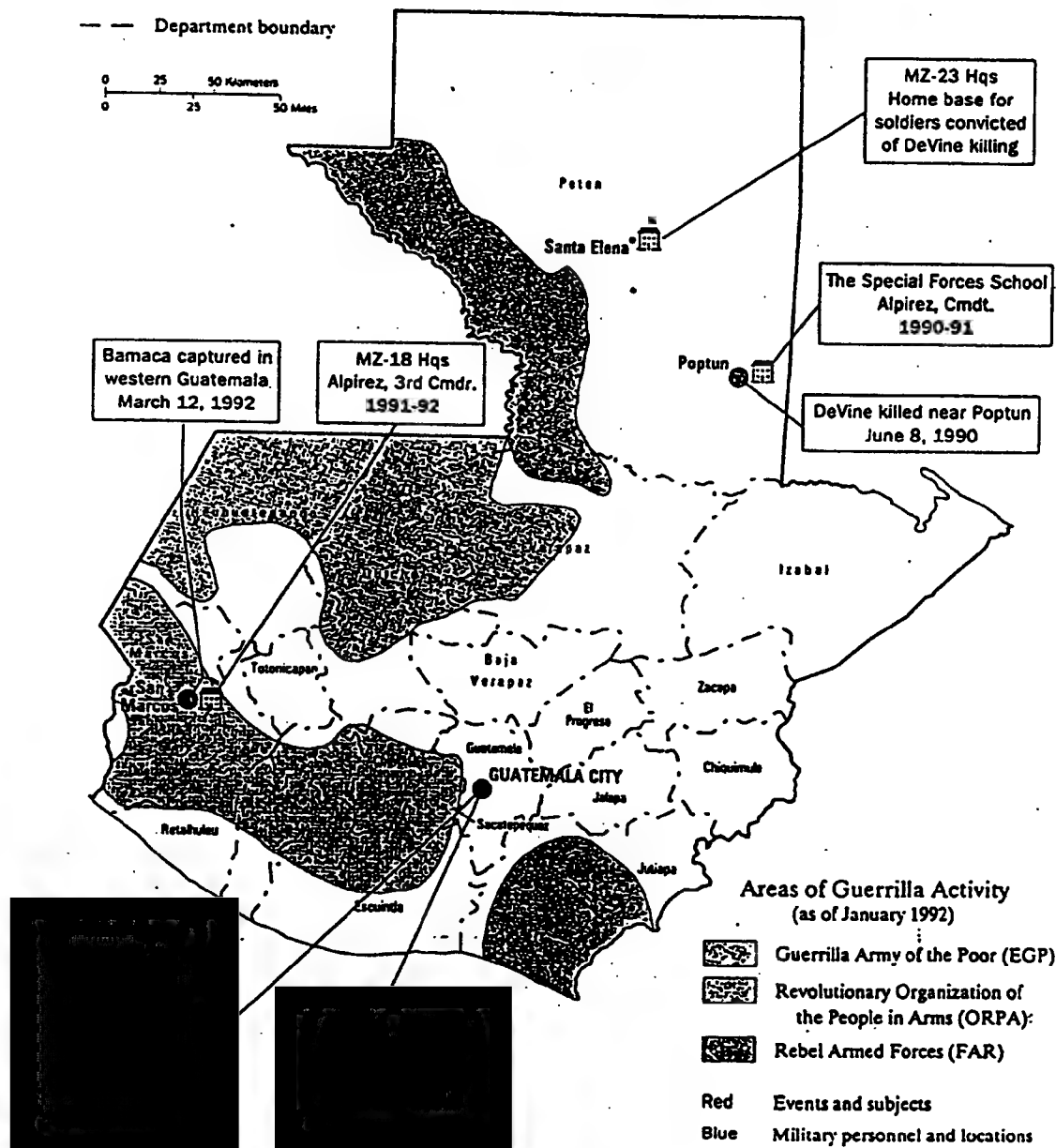
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48.



Guatemala: Alpirez, DeVine, Bamaca, Key Events and Locations



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Chronology: Key Events Pertaining to Alpirez, DeVine, Bamaca

DATE	KEY EVENTS
December 4	Initial DO guidance on handling human rights cases issued.
	1988
	1989
	1990
June 8	DeVine killed
August	provides information implicating the military in DeVine killing and a cover-up
December 21	State Department announces suspension of military aid due to the continued DeVine killing cover-up
	1991
October	Station reports allegations that Alpirez was present at interrogation of DeVine
October 18	Agency initiates the process for submission of a crimes report to DoJ

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CHRONOLOGY
(Continued)

DATE	KEY EVENTS
October [REDACTED]	Headquarters disseminates October [REDACTED] report that Alpirez was present at interrogation of DeVine
November 18-19	DoJ officials are briefed and provided formal crimes report regarding October [REDACTED] allegations. [REDACTED]
1992	
March 12	Bamaca is reported captured
[REDACTED]	[REDACTED]
June 16	[REDACTED] and October 1991 report alleging Alpirez was present at DeVine interrogation are included in compilation of 10 sanitized reports shown to SSCI Staff members. [REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
June 22	SSCI Staff requests information on Agency's human rights policy and reporting
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
August 5	HPSCI Staff briefed [REDACTED]
August 7	SSCI Staff briefed on human rights [REDACTED]
September 29	Six Army specialists convicted in DeVine case
1993	
March 9	Harbury, Bamaca's American wife, requests Embassy help in Bamaca exhumation

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CHRONOLOGY
(Continued)

DATE	KEY EVENTS
1994	
January 12	State Department reports Harbury has identified Alpirez as one of two officers who supervised Bamaca's torture
[REDACTED]	[REDACTED]
1995	
[REDACTED]	[REDACTED]
January 25	Station reports allegation that Alpirez was responsible for Bamaca's death
February 3	Intelligence oversight committees briefed on the Bamaca/DeVine cases and [REDACTED]
April 7	DO issues notice on "Reporting Issues of Potential Interest to Congress"

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GENERAL FINDINGS**

WHY WAS THE CIA IN GUATEMALA? HOW DID THE CIA MISSION RELATE TO AND SUPPORT THE POLICIES OF THE UNITED STATES GOVERNMENT? WAS THERE AN INHERENT TENSION BETWEEN THE MISSION AND THE POLICIES?

51. The CIA was in Guatemala to collect foreign intelligence, the requirements for which were established by the Executive branch in response to National Security Council directives and Presidential findings. The Agency was also engaged in support of [REDACTED] established by a series of Administrations.

[REDACTED]

52. The human rights-related activities of the Station received substantial scrutiny within the Agency and from the congressional intelligence oversight committees. [REDACTED]

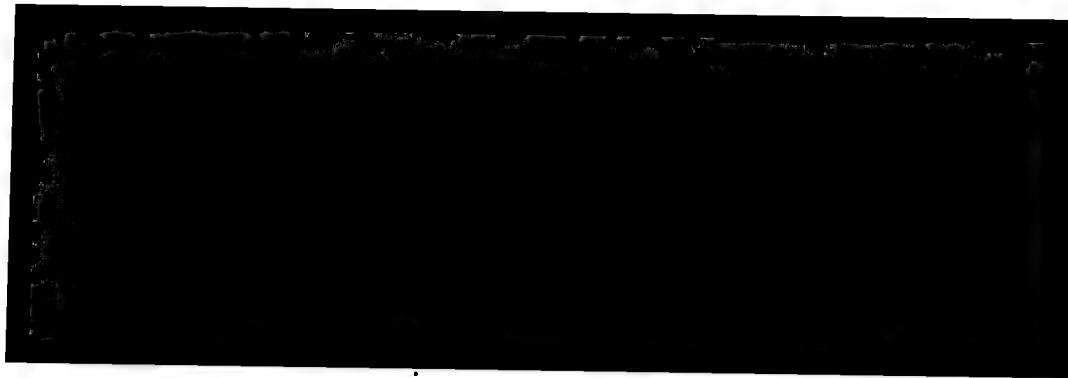
[REDACTED]

53. [REDACTED]

[REDACTED]

** The details underlying these general findings are presented in the volumes that follow.

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54. However, this resulted in a dilemma for the Agency and Guatemala City Station. In order to fulfill its responsibility for collecting information concerning the human rights policies and practices of the Guatemalan military and intelligence services, the Station was required to establish and maintain very close contacts with a military organization that had a long history of human rights abuses and military personnel who had engaged in such abuses.

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1987	1900	1989	1990	1991	1992	1993	1994	1995
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President

Minister of Defense

Juan Leonel BOLANOS — **Jose Domingo GARCIA Samayoa**

Alfredo GRALAMAZO Morales — **Francisco J. Pineda**

Luis MENDOZA Garcia

D-2 Army Head — **Edgar GODOY Gallan** — **Cesar CABRERA Mejia** — **Otto PEREZ Molina** — **Jose Manuel RIVAS Rios**

Marco Antonio GONZALEZ Tarasena — **Mario MERIDA Gonzalez**

**Head of
Center for Analysis
("Archivos")
and predecessor
organizations**

Rolando Augusto DIAZ Barrios — **José María ARGUETA**

Morris Eugenio DE LEÓN Gil — **Edgar Ricardo BUSTAMANTE Figueroa**

The Importance of Perpetrated Violence — Periodical Staff's Interest for Analysis — The Importance of the Victims' Participation in the Process

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DID CIA STAFF PERSONNEL DIRECT, PARTICIPATE IN, OR CONDONE THE KILLING OF U.S. CITIZEN MICHAEL DEVINE OR THE CAPTURE, TORTURE, SUBSEQUENT DISAPPEARANCE AND POSSIBLE DEATH OF GUATEMALAN INSURGENT LEADER EFRAIN BAMACA VELASQUEZ?

55. No evidence has been found to indicate that Agency personnel in any way directed, participated in, or condoned the DeVine killing. [REDACTED]

[REDACTED] The report that Alpirez had been present at DeVine's interrogation did not come until October 1991, over a year after the killing.

56. Nor has any evidence has been found to indicate that Agency personnel in any way directed, participated in, or condoned the capture, torture, subsequent disappearance and possible death of Bamaca. [REDACTED]

[REDACTED] it was not until January 1995 that the Agency received information alleging Alpirez had killed Bamaca.

DID CIA PERSONNEL VIOLATE ANY FEDERAL CRIMINAL LAW?

57. No evidence has been found to indicate that any Agency employee encouraged, participated in, condoned, or concealed any action that constituted a potential violation of U.S. criminal law. No evidence has been found that any Agency employee knowingly

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misled the congressional oversight committees or deliberately decided to withhold information from them.

DOES AVAILABLE REPORTING ESTABLISH THAT ALPIREZ KILLED MICHAEL DEVINE? THAT ALPIREZ KILLED BAMACA?

58. DeVine. No evidence has been found of any information available to the Agency indicating that Alpirez actually killed or ordered the killing of DeVine. Only the October 1991 report alleges that Alpirez was present during the interrogation of DeVine. The implication of that report is that the interrogation led to DeVine's death in Alpirez's presence. In reaction to this implication, the Agency promptly initiated action to [REDACTED] and report the allegations to DoJ.

59. However, there are substantial grounds to question the credibility of this report. For one thing, it is at variance with most other available evidence regarding the DeVine killing, including that gathered by a private investigator hired by DeVine's wife. In fact, one officer and six enlisted men were convicted in Guatemalan courts for the killing. Alpirez has never been charged with any crime although it seems clear that Alpirez participated in the Guatemalan military's cover-up of the DeVine killing [REDACTED]

60. Secondly, the Station officer who acquired the information from an Agency source in October 1991 states that the disseminated report differs in several respects from the information the source provided him and that the source's meaning was nowhere near as precise as has been implied. [REDACTED]

[REDACTED] This leaves open the question of whether the source meant Alpirez had actually been "present" at the DeVine interrogation itself; or only "present" at the base on or near which the interrogation took place; or, if present at the interrogation itself, was present at the specific point when DeVine died or at some earlier

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time. This uncertain meaning and the questions that have been raised by the Station officer regarding the origin of several portions of the report cast doubt on its credibility and value.

61. Bamaca. There is one Agency report that Alpirez killed Bamaca. A Station source reportedly stated in January 1995 that he had been told [REDACTED] that he had been told by [REDACTED] that it was known within the senior ranks" of the Guatemalan Army that Alpirez had killed Bamaca.

62. However, a substantial body of Agency and non-Agency reporting contradicts the January 1995 report. This body of reporting indicates that a military unit within Alpirez's command captured Bamaca in March 1992 and that Alpirez was involved in his initial interrogation. Several reports indicate Bamaca was subsequently taken away for further interrogation by Guatemalan military intelligence. There is much contradictory reporting about Bamaca's eventual fate, but senior Guatemalan officials apparently believe he is now dead. Prior to the January 1995 report, the Agency had no information indicating Alpirez had killed Bamaca. (Agency human rights reporting requirements are explained in Exhibit D to this Volume.)

WHAT INFORMATION DID CIA REPORT CONCERNING THE DeVINE AND BAMACA CASES? WAS THE INFORMATION DISSEMINATED IN A TIMELY AND ACCURATE MANNER TO APPROPRIATE EXECUTIVE BRANCH OFFICIALS? DID CIA SUPPRESS OR DISTORT ANY OF THIS INFORMATION?

63. From 1990 to January 1995, human rights issues in Guatemala were of major concern to the Station [REDACTED]. During this period, the DO at Headquarters issued [REDACTED] related to the DeVine and Bamaca cases. Three of these specifically discussed the circumstances surrounding the DeVine killing and nine specifically related to the capture and subsequent treatment of Bamaca.

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64. This reporting provided much unique information, including:

- ♦ the first credible, direct indication of Guatemalan military involvement in the DeVine killing and its cover-up;
- ♦ the initial information concerning the capture of Bamaca; and
- ♦ the first indication that Bamaca may have been alive immediately after his capture.

65. Agency reporting on the DeVine and Bamaca cases was a major factor in U.S. diplomatic demarches to the Guatemala Government. The reporting detailed the involvement of the Guatemalan military in human rights abuses generally and the military's efforts to evade and conceal its responsibility for them. Further, it provided insights into the interaction of [REDACTED] civilian authorities and the military on human rights issues, including internal Guatemalan political dynamics that resulted from the pressure being applied to the Guatemalan Government by the U.S. regarding human rights policies.

66. Almost without exception, the reporting on the DeVine and Bamaca cases was delivered in a timely manner to the appropriate consumers in the Executive branch. There were several instances, however, where information was delayed or disseminated in an incomplete manner due to concerns about source protection. In addition, key customers such as U.S. Ambassadors to Guatemala were not made aware of [REDACTED]

67. While there were delays of a few days in certain instances, most information relating to Alpirez, Bamaca and DeVine that was collected by the Agency was provided to

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appropriate Executive branch consumers in a timely manner. Some of these delays were due to the process necessary to convert sensitive Station reports into a more appropriate format for dissemination. Other delays, for example, [REDACTED]

[REDACTED] were due to Station concerns about source protection.

68. [REDACTED]

[REDACTED] A few sensitive reports were provided to the Ambassador after Headquarters review. In Washington, most reporting was broadly distributed. A few sensitive reports were disseminated to a small number of officials, but all were routinely provided to the Assistant to the President for National Security Affairs, the Director of the Defense Intelligence Agency (DIA), and the Assistant Secretary of State for Latin American Affairs or the Assistant Secretary of State for Intelligence and Research. The FBI and DoJ were provided those that appeared to be responsive to their interests.

69. [REDACTED] regarding reporting delays by Guatemala City Station in 1994, [REDACTED]

[REDACTED] the COS was reprimanded. He was subsequently removed from his position after the January 1995 report that Alpirez had been responsible for Bamaca's death was delayed several days.

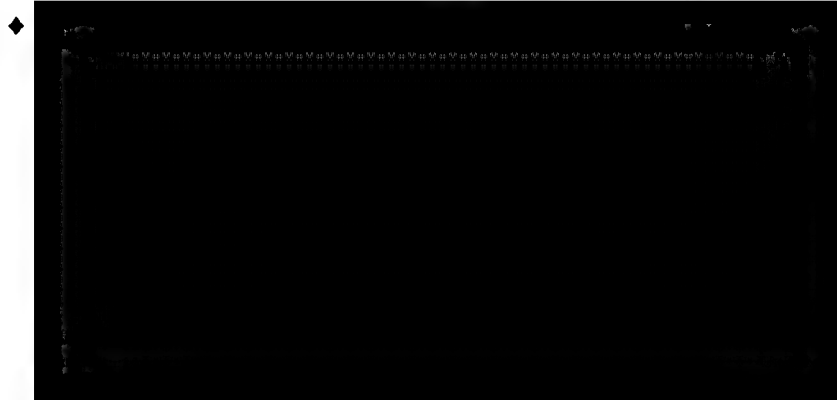
WHAT WAS THE NATURE AND RELIABILITY OF THE SOURCES FROM WHOM THE CIA OBTAINED INFORMATION CONCERNING DEVINE, BAMACA, ALPIREZ, [REDACTED]

70. A detailed review of sources related to DeVine, Bamaca, Alpirez, [REDACTED] indicates that only a few can be considered

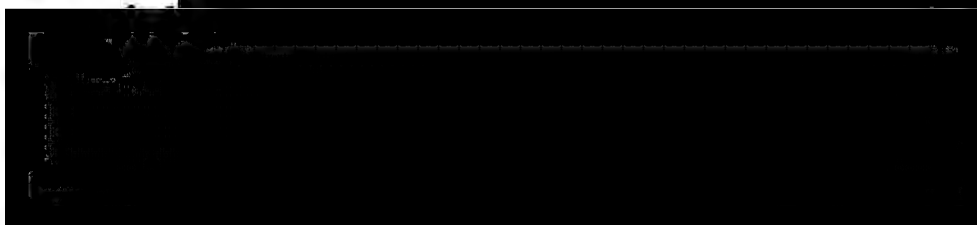
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[REDACTED] This means that, either at the time or in retrospect, the accuracy and validity of important reporting from those sources is open to question. [REDACTED]



71. [REDACTED]



72. There was also a lack of systematic analysis at the Station and Headquarters regarding the chain of acquisition of information provided by sources. Both the Station and Headquarters frequently failed to verify facts or pursue

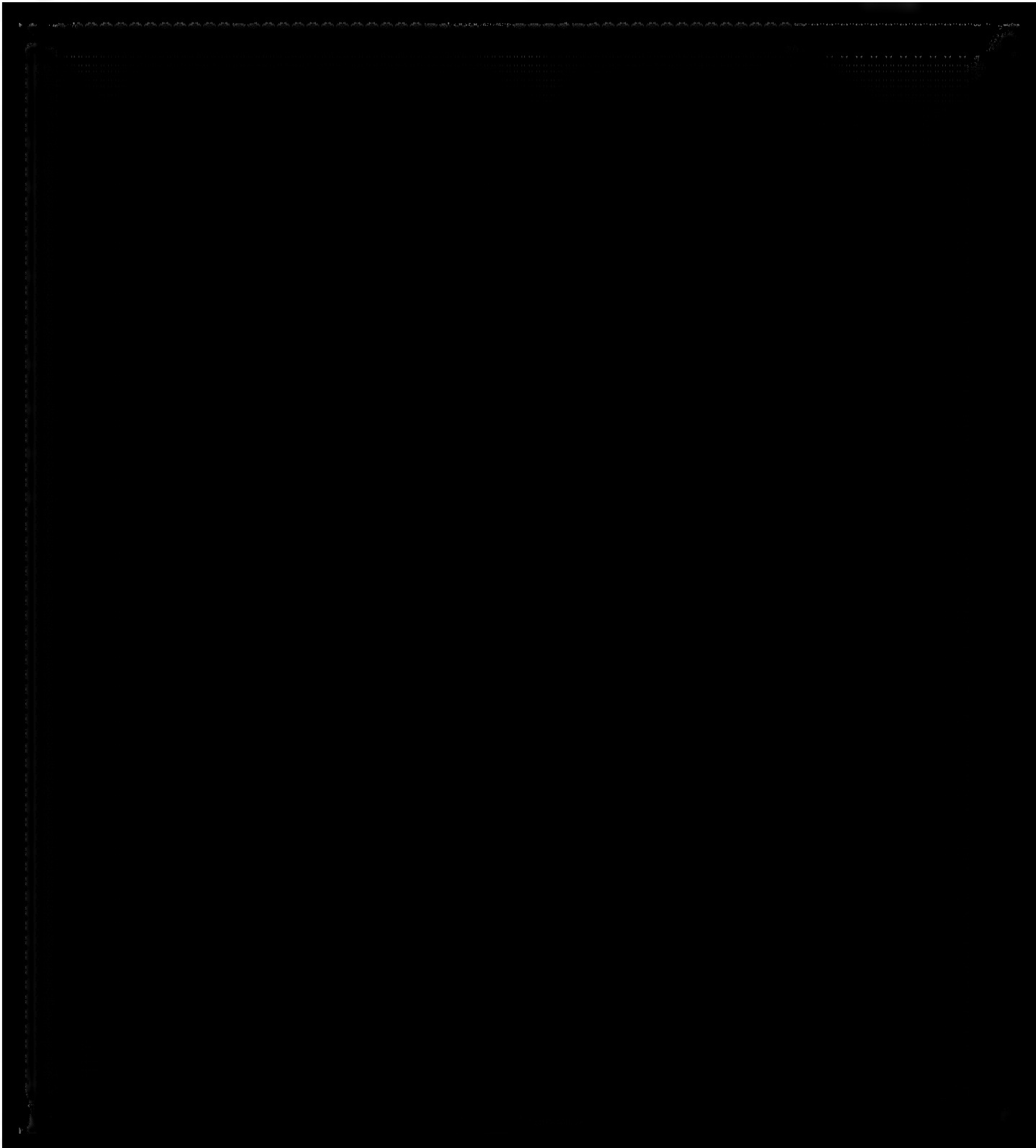
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further details from sources. There was also a lack of attention to, and a disregard of, potential source biases.

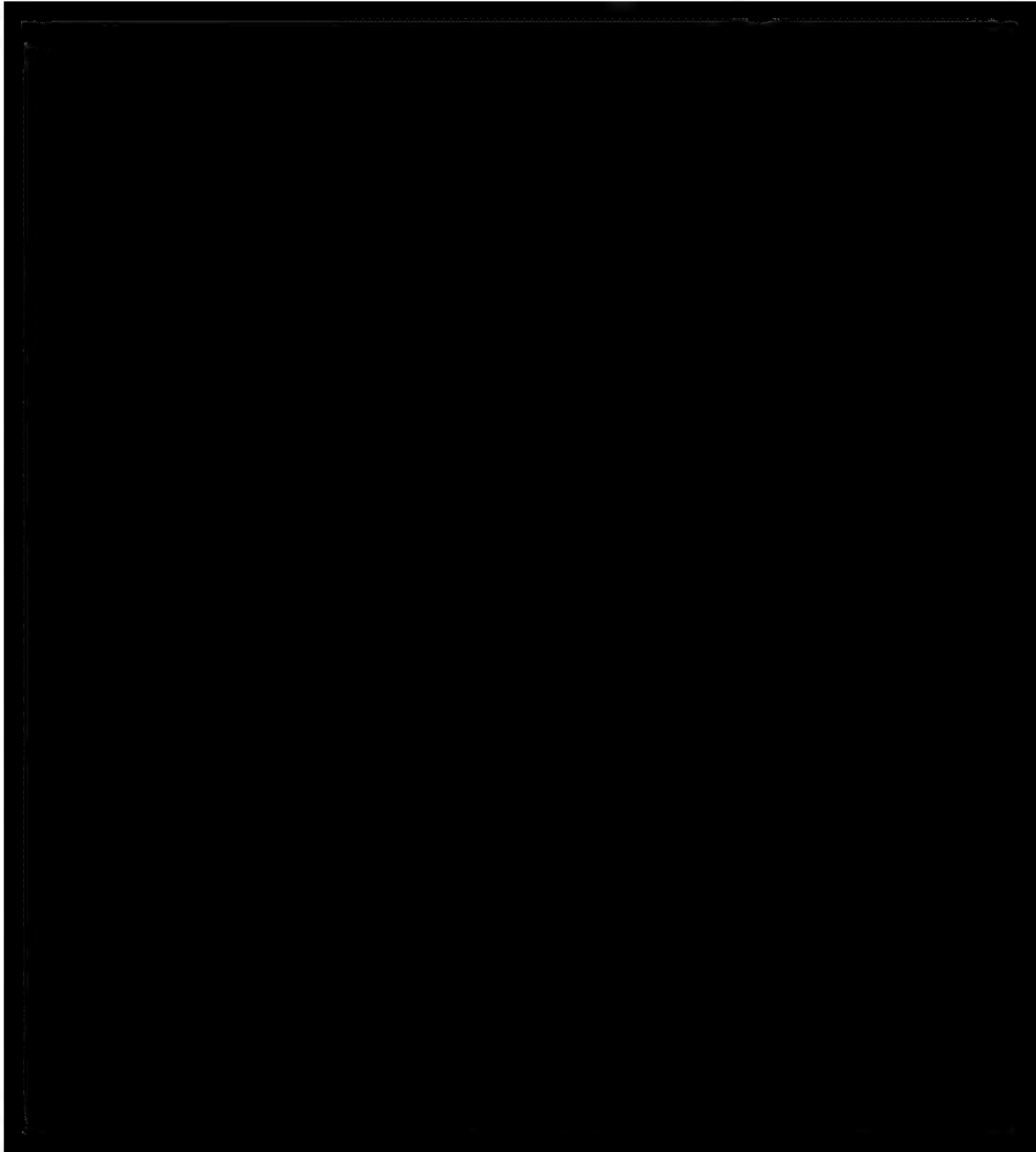
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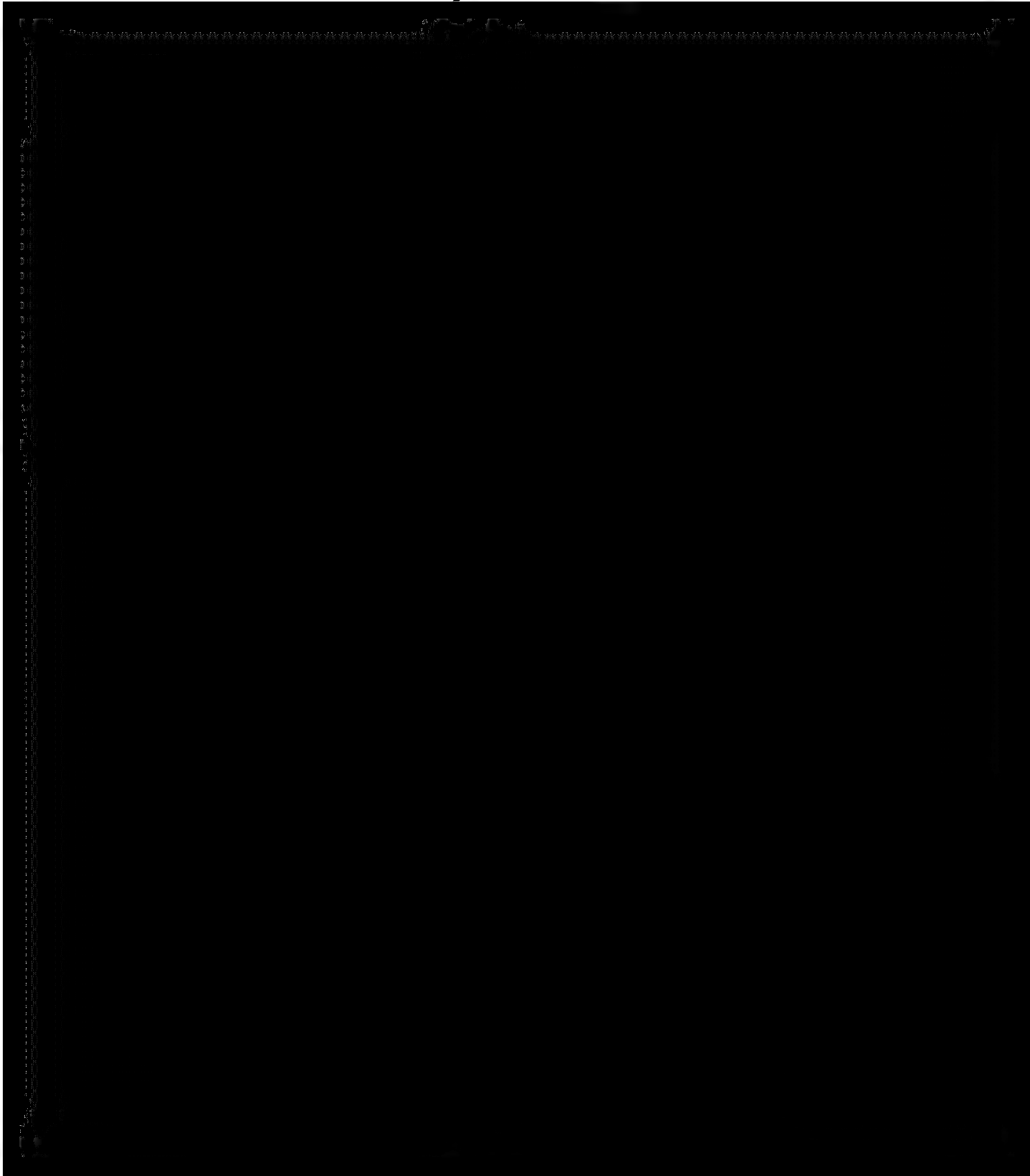


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HOW WELL DID THE AGENCY'S GUATEMALA CITY STATION AND LATIN AMERICA DIVISION HANDLE REPORTING ON DEVINE, BAMACA, ALPIREZ,
[REDACTED]

73. A review of the relevant reports from Guatemala City Station indicates a number of cases where, either at the time or in retrospect, the handling of key reports regarding Alpirez, Bamaca, DeVine, [REDACTED] is open to criticism. Some examples include:

[REDACTED]

◆ [REDACTED]

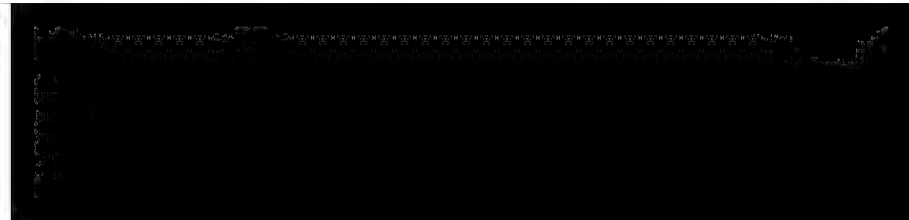
◆ [REDACTED]

◆ [REDACTED]

◆ [REDACTED]

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Alpirez-October 1991 DeVine Report

- ◆ On October [REDACTED] 1991, the Station reported to Headquarters information obtained from a source alleging that Alpirez had [REDACTED] been present at the interrogation of DeVine and another source alleging that Alpirez was acting bizarrely, was violent and had killed guerrilla prisoners.
- ◆ The disseminated report did not note that [REDACTED] thus coloring not only the credibility [REDACTED] but also the dependability [REDACTED] of it as well.
- ◆ [REDACTED]
- ◆ [REDACTED] the first source said that Alpirez was in the area at the time, not that Alpirez was actually present at DeVine's interrogation as is stated in the report to Headquarters and the disseminated version.

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♦ [REDACTED]

♦ [REDACTED]

- ♦ The second source whose information is included in the October 1991 report received the allegations about Alpirez's character and conduct from unidentified subsources [REDACTED]

Alpirez-January 1995 Bamaca Report

- ♦ On January [REDACTED] 1995, the Station obtained information alleging that Alpirez killed Bamaca from a source who had been told about [REDACTED] conversation [REDACTED]

[REDACTED]

[REDACTED] reportedly said "it was known within the senior ranks" of the Guatemalan Army that Alpirez had killed Bamaca, but no one had done anything about it. [REDACTED]

[REDACTED]

[REDACTED]

♦ [REDACTED]

[REDACTED] At the time the report was acquired, the Station and Division had access to previous, conflicting reporting about Bamaca's fate from the same [REDACTED] that did not mention Alpirez at all:

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- In July 1993, the same [REDACTED] reported to the source that Bamaca was alive, just as former guerrillas were saying publicly at that time; and
- On January [REDACTED] 1995, the same [REDACTED] told another Guatemalan officer who reported to an Agency source that Bamaca had committed suicide.
- ♦ Neither the Station nor the Division made any effort to resolve the conflicts in the [REDACTED] statements regarding Bamaca's fate before disseminating the report, nor did the Station note the differences in earlier reports from the same officer in the disseminated report. In addition, the information was at least fourth-hand when acquired by the Agency.

74. Alpirez. [REDACTED]

75. [REDACTED] reports were received between June 1988 and June 1992 that he may have somehow been involved in narcotics trafficking. These reports were vague, uncorroborated and appear not to have been sufficiently credible [REDACTED]

[REDACTED] No additional derogatory information was received regarding Alpirez until the October 1991 allegations that he was present at the interrogation of DeVine.

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76. [REDACTED]

77. [REDACTED]

WHAT ACTIONS DID CIA TAKE AFTER RECEIVING ALLEGATIONS THAT ALPIREZ [REDACTED] WERE INVOLVED IN HUMAN RIGHTS VIOLATIONS?

78. Alpirez, [REDACTED] October 1991, the Agency received the report that Alpirez had been present at the interrogation of DeVine. The Station and Agency reacted to this information as follows:

- ♦ The report was submitted to Headquarters for dissemination on October [REDACTED] Deputy Chief of LA Division [REDACTED] brought the matter to the attention of the Chief of LA Division;

♦ [REDACTED]

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- ♦ The report was disseminated to officials at the White House, State Department, DIA, Federal Bureau of Investigations, DoJ, and to the Ambassador in Guatemala on October [REDACTED] 1991;
- ♦ [REDACTED]
- ♦ Justice Department representatives were briefed on November 18, 1991 and were sent a formal crimes report, based on the October report, on November 19, 1991.

79. [REDACTED]

[REDACTED]

80. [REDACTED]

[REDACTED]

81. [REDACTED]

[REDACTED]

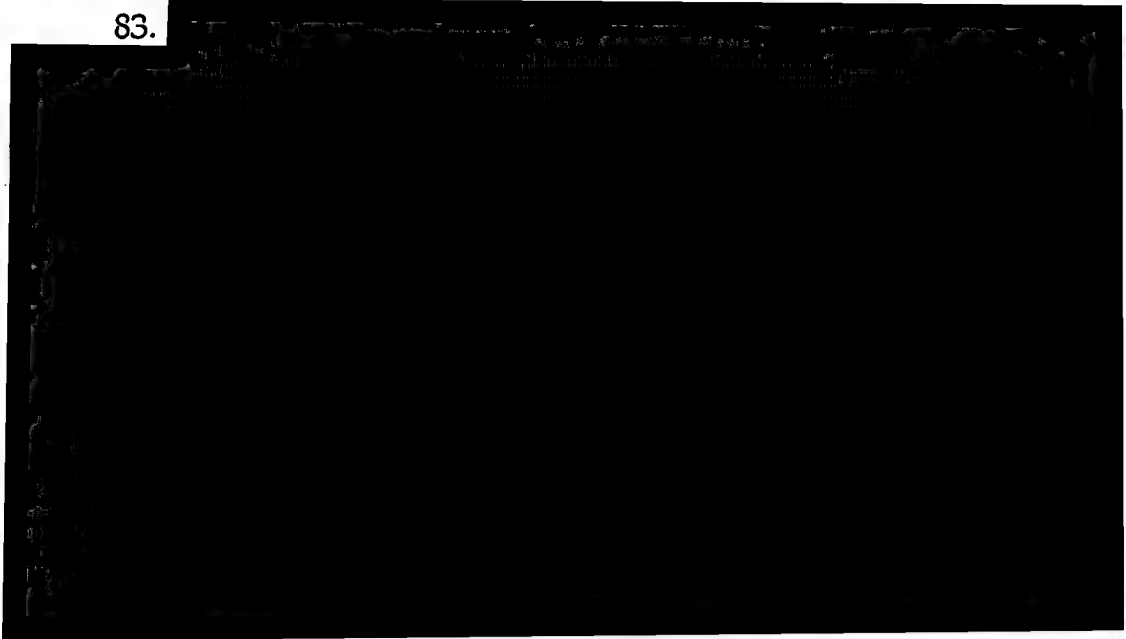
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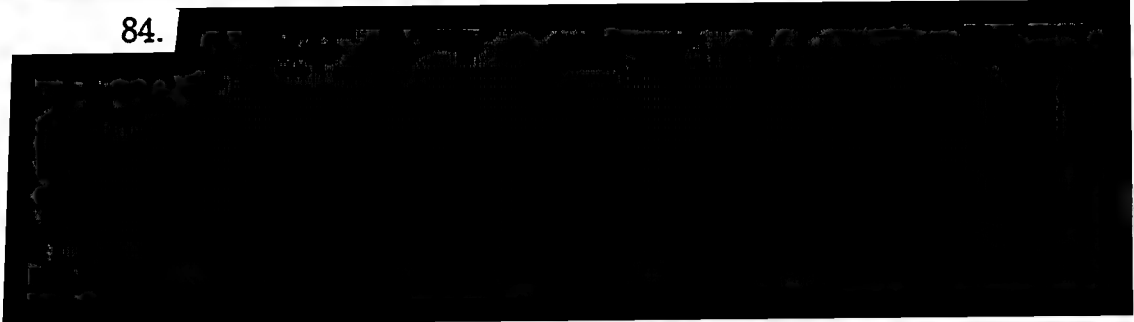
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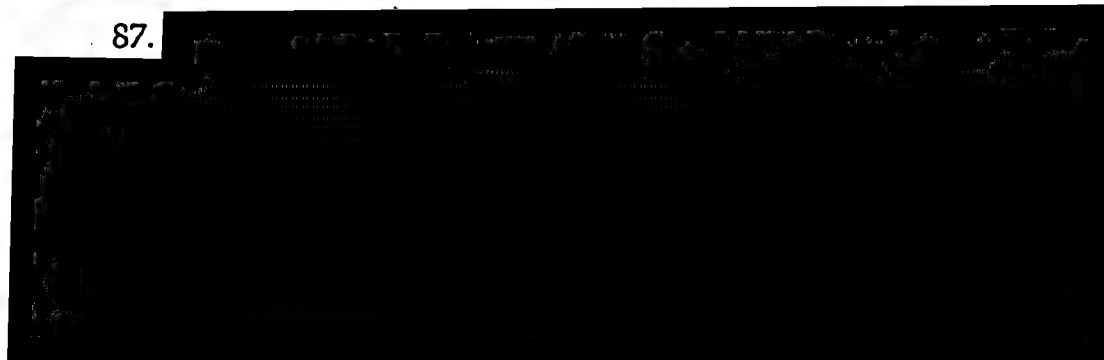
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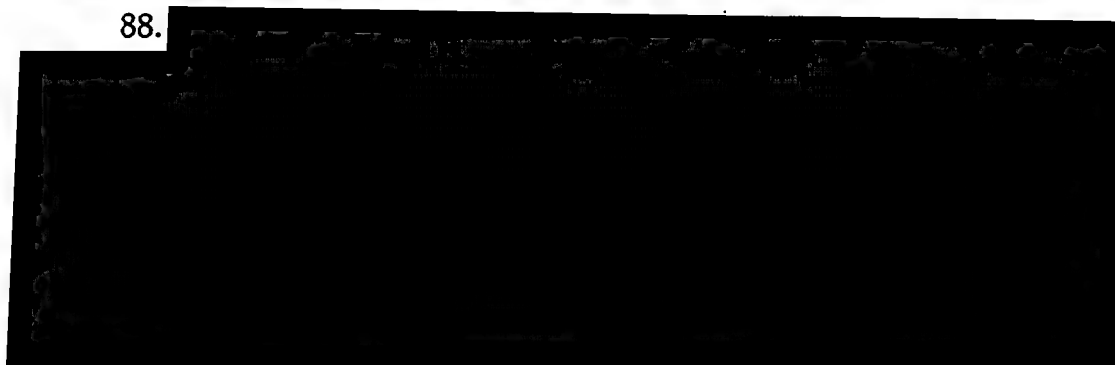
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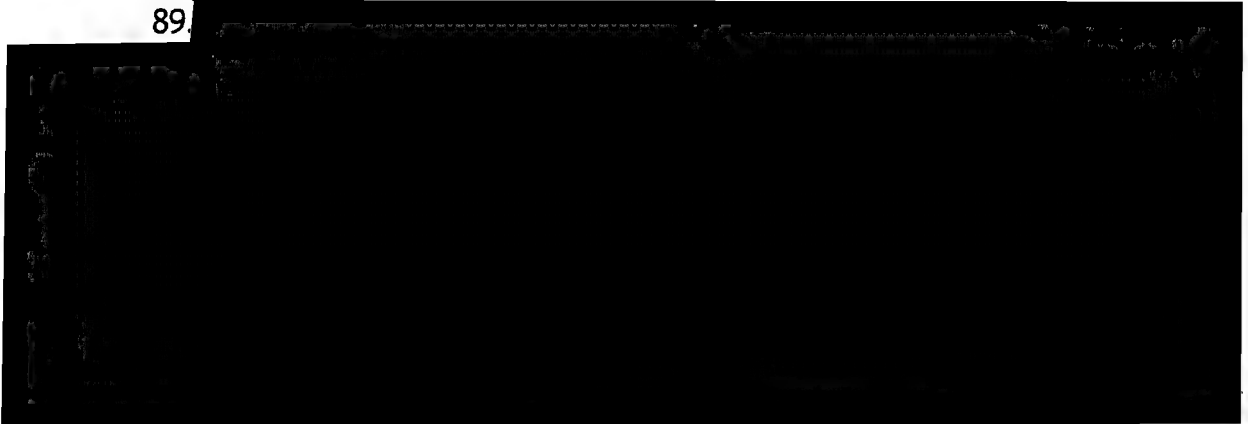


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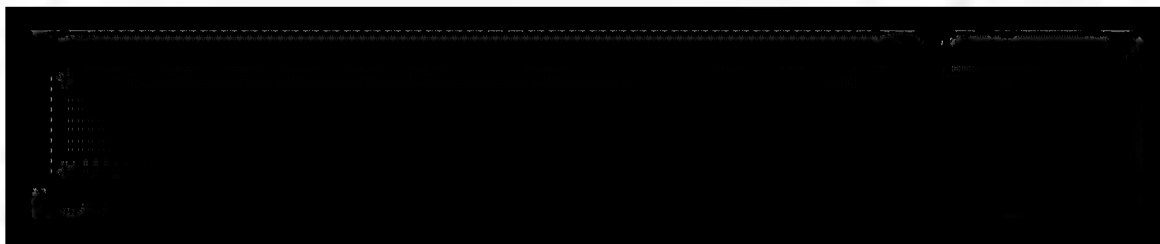


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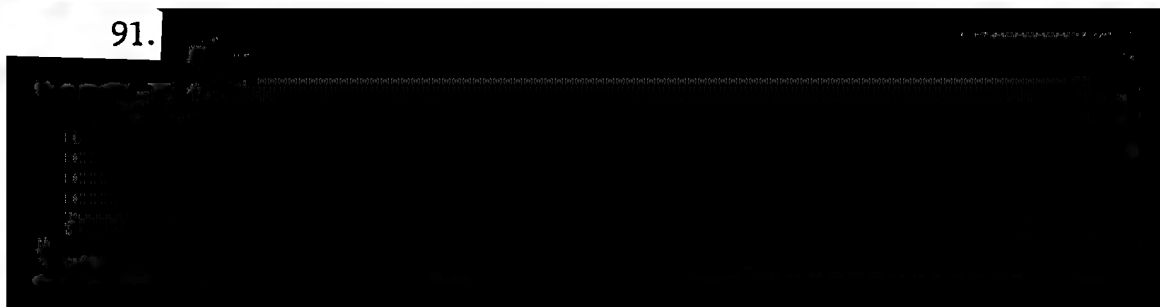


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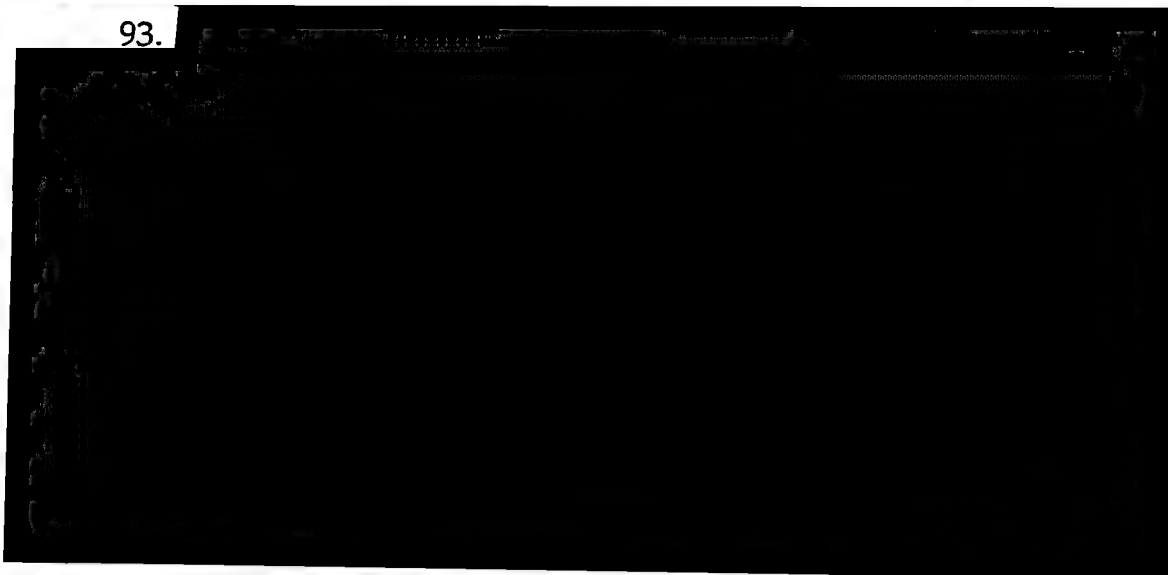
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[REDACTED]

*DID THE AGENCY APPROPRIATELY INFORM CONGRESS ABOUT [REDACTED]
[REDACTED] ALPIREZ [REDACTED] ALLEGED
INVOLVEMENT IN HUMAN RIGHTS ABUSES?*

94. Senior Agency officials acknowledge that the Agency should have notified Congress [REDACTED]. The same senior officials, specifically including the then-DDO, also accept responsibility for not doing so. (Agency obligations to notify the committees are explained in Exhibit C of this Volume.)

95. Alpirez-DeVine. No evidence has been found to indicate that the Agency formally notified the congressional intelligence oversight committees of the October 1991 report that Alpirez was allegedly present at the interrogation of DeVine [REDACTED]. There is evidence that some DO officers who were aware of that report recognized that it should be reported to the oversight committees and made preparations to do so at that time. Virtually all of the key officers were familiar with the most contentious aspects of Central American programs through the 1980's and were well aware of the need for congressional notification and the consequences of not doing so. However, those preparations did not result in such notification.

96. No evidence has been found that any Agency personnel advocated not notifying the committees of the October 1991 report nor that any Agency personnel decided not to inform the committees. Such notification was especially pertinent since the October 1991 report was treated so seriously by the Station and Headquarters and led to a formal crimes report to DoJ [REDACTED].

[REDACTED] No satisfactory explanation has been provided as to why congressional notification of the October 1991 report [REDACTED] was not accomplished, but

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those who were involved state that it was forgotten in the course of business when no one took clear charge of ensuring that notification was made.

97. On at least two specific occasions in the year after the Agency received the October 1991 report, congressional interest in Guatemalan human rights issues came to the attention of senior LA Division and Agency managers. [REDACTED]

[REDACTED]

Further, in the summer of 1992, a compilation of ten human rights reports on Guatemala was prepared to be shown to SSCI staff members after DO representations that it was receiving good reporting from Guatemala regarding human rights. The October 1991 report alleging Alpirez presence at the DeVine interrogation was included and that compilation was reviewed by senior LA Division and DO managers prior to being shown to the SSCI staff.

[REDACTED]

98. Alpirez-Bamaca. By contrast, the Agency quickly informed Congress of the January 25, 1995 report alleging that Alpirez had killed Bamaca. In that report, an Agency source said he had been told by [REDACTED] had said that "it was known within the senior ranks" of the Guatemalan military that Bamaca was killed by Alpirez. On January 26, 1995, CIA officers met with representatives of the National Security Council, State, the Vice President's office, and DoJ to discuss the report and a demarche to Guatemala. The Agency officers raised their responsibilities regarding notification of Congress at that meeting. The CIA personnel were asked to defer

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congressional notification pending development of an Administration strategy and the forwarding of a demarche to the Guatemalan Government. On February 3, the Agency was permitted to notify the committees and notified HPSCI Chairman Combest and Ranking Democrat Dicks. An SSCI staff member was also briefed on February 3. Additional information was provided to the committees in the form of documents and briefings through February and March of 1995.

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DID CIA KEEP THE U.S. AMBASSADORS TO GUATEMALA APPROPRIATELY INFORMED ABOUT [REDACTED] ALPIREZ AND [REDACTED] ALLEGED INVOLVEMENT IN HUMAN RIGHTS ABUSE?

102. Obligations to the Ambassador. The framework for the relationship between the COS and Ambassador contains two sometimes conflicting principles:

- ♦ the Chief of Mission (COM), acting under the direction of the President, is responsible for coordinating and supervising all U.S. personnel in his country; and
- ♦ the DCI is responsible for protecting intelligence sources and methods. (This framework is explained in Exhibit E to this Volume.)

103. Agency guidance interpreting this framework has emphasized its flexibility and has placed considerable responsibility on the COS to apply the requirements based on the local situation and the COS's relationship with the COM. [REDACTED]

[REDACTED]

♦ [REDACTED]

♦ [REDACTED]

104. December 1994 Agency guidance [REDACTED]

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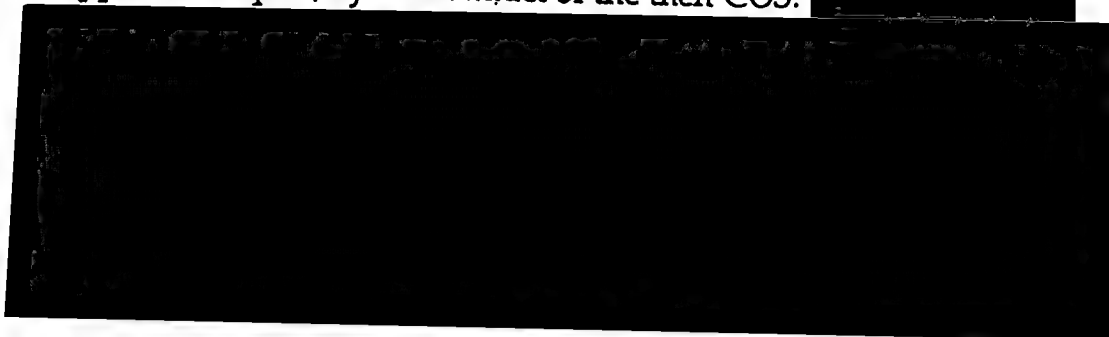
[REDACTED] was somewhat less restrictive [REDACTED]

The guidance advised that, if misunderstandings arise and local efforts fail, the issue could be raised with Headquarters but that "this should be rarely necessary." The DO considers COS's to be experienced officers who should be able to resolve conflicts between the written guidance and the needs of the Ambassador.

105. [REDACTED]



106. In late 1994, Ambassador McAfee became increasingly concerned that she had not been shown key intelligence and that the Station was engaged in a pattern of protection of programs and assets that denied her information relevant to the policy judgments she had to make. This perception that CIA was suppressing information was supported, in part, by the conduct of the then-COS. [REDACTED]



DID CIA PERSONNEL SEND CLASSIFIED DOCUMENTS RELATING TO GUATEMALA TO FORMER AGENCY EMPLOYEES SO THAT THOSE DOCUMENTS WOULD NOT BE AVAILABLE TO INVESTIGATORS REVIEWING AGENCY ACTIVITIES IN GUATEMALA?

107. On April 18, 1995, a question was raised at a Presidential press conference alleging that classified documents were being sent by mail to retired Agency employees in order to conceal them from investigators. The Chairman of the IOB, on May 11, 1995, related this allegation to the Guatemala investigation and requested that the CIA IG look into the matter.

108. No evidence has been found to indicate any effort by CIA personnel to remove, dispose of, or destroy classified Agency documents to avoid any investigation. The allegation may be attributable to the Agency's provision in March 1995 of copies of classified documents concerning Guatemala to former Directors of Central Intelligence for background purposes in order to assist them in responding accurately to inquiries from the media.

WHY DID THE AGENCY NOT PROVIDE INFORMATION IT COLLECTED TO THE DEVINE FAMILY OR BAMACA'S AMERICAN WIFE?


109. The DeVine family and Bamaca's American wife acquired substantial information about their respective concerns from private sources, the Guatemalan Government and the U.S. Government. The Agency's mission is to collect information pertaining to U.S. foreign policy and other interests abroad for analysis and provision to official consumers. While the Agency collects information regarding terrorism generally, it is under no general requirement to collect information regarding threats or harm to U.S. citizens abroad or to disclose clandestinely collected information to families of U.S. citizens who may have been murdered, captured, imprisoned, or are missing abroad.

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110. Agency information about assassination threats or harm to U.S. citizens can be indirectly conveyed through State Department personnel and Agency-derived and reported information may have served as background and to verify facts conveyed in discussions between Ambassadors Stroock and McAfee and Mrs. DeVine and Bamaca's American wife, Jennifer Harbury. Freedom of Information requests from Mrs. DeVine and Harbury are currently being processed by the Agency according to standard procedures.

DID CIA'S FAILURE TO NOTIFY DOJ OF REPORTS IMPLICATING ALPIREZ IN NARCOTICS TRAFFICKING HINDER THE ATTORNEY GENERAL'S ABILITY TO DETERMINE WHETHER THE DEVINE MURDER WAS POLITICALLY MOTIVATED? SHOULD THE REPORTS HAVE BEEN PROVIDED TO DOJ UNDER EXISTING CRIMES REPORTING PROCEDURES?

111. A May 4, 1995 letter to the CIA Inspector General from Congressman Robert Torricelli stated that a "former Drug Enforcement Administration employee" alleged that the DeVine murder was politically motivated, and that DeVine was murdered because he had discovered a drug operation being run by Colonel Julio Roberto Alpirez. The letter also suggested that CIA officials would be guilty of "obstruction of justice" if they concealed such information when the October 1991 allegations that Alpirez was present at the interrogation of DeVine were referred to the Department of Justice.



112. It appears that section 2332 of Title 18 of the U.S. Code is the statute referred to in this letter as granting the United States the ability to prosecute foreign nationals for crimes against American citizens abroad when such crimes have a "political" element. That provision, appearing in Chapter 113B of Title 18, is part of the codification of the Antiterrorism Act of 1990. Section 2332 provides criminal penalties for murdering a U.S. national who is outside the United States. However, the murder of a U.S. national overseas only

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constitutes a violation of that statute and confers criminal jurisdiction on U.S. District Courts in cases where the Attorney General certifies that the murder was intended to coerce, intimidate, or retaliate against a government or a civilian population.

113. If CIA officials had information relating to the DeVine case that would have assisted the Attorney General in making a determination that DeVine's murder was intended to coerce, intimidate, or retaliate against a government or civilian population, such information should have been provided to DoJ with or following the referral. However, there is no indication that Agency officials either had or withheld any such information from DoJ and therefore there could be no obstruction of justice on that basis.

114. 

115. Six reports have been identified that contain information alleging that Alpirez might have had knowledge of, or have been involved in, narcotics trafficking. None of the reports constitutes direct evidence of such involvement. (These reports are summarized in paragraphs 137 - 152 of Volume III.) At the time of the referral to DoJ of the October 1991 allegation that Alpirez was present at DeVine's interrogation, the Agency had two and possibly three of these reports in its possession. One was from DEA, one from the DAO, and one was acquired by the Station in 1988 but was not disseminated outside the Agency, apparently because of a lack of corroborating information.

116. None of the six reports suggests that the DeVine murder was linked in any way to drug trafficking, or, more importantly, had as its purpose coercion, intimidation, or retaliation against a government or civilian population. No evidence has been found to

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indicate that any CIA official intentionally withheld these reports from DoJ in order to prevent or hinder the Attorney General from certifying that the DeVine murder was politically motivated or for any other reason. Finally, DEA reports that it has located no additional information in its files to indicate that Alpirez was involved in narcotics trafficking.

117. Furthermore, it does not appear that CIA had an obligation to advise DoJ of the information contained in any of the six reports. Procedures established by the Attorney General and the DCI require the Agency to report to DoJ certain information CIA receives that relates to possible violations of U.S. law. The information contained in [REDACTED] reports did not indicate a violation of U.S. law. Nevertheless, two of CIA's three reports were disseminated in intelligence channels to U.S. law enforcement agencies. The other CIA report did not implicate Alpirez in illegal activity at all. The remaining three reports originated in other agencies, which had the responsibility to act on the information the reports contained. One was from the DAO. Two were from DEA, an element of DoJ, and it is one of these that clearly concerned a violation of U.S. law.

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CONCLUSIONS

118. The conclusions set forth below are repeated in the volumes relating to Alpirez, DeVine, Bamaca, [REDACTED]

Agency Purposes in Guatemala

119. Agency programs in Guatemala during the period in question were conducted in furtherance of duly approved [REDACTED]

[REDACTED] that were duly authorized by the President, reviewed by the National Security Council and reviewed and funded by the Congress. [REDACTED]

Alleged Complicity in Deaths of DeVine and Bamaca

120. No evidence has been found to indicate that any CIA employee had prior knowledge of, directed, participated in, or condoned the interrogation or killing of DeVine. No evidence has been found to indicate that any CIA employee had prior knowledge of, directed, participated in, or condoned the reported interrogation, torture, or killing of Bamaca.

121. The October 1991 report alleging that Alpirez, [REDACTED] was present at DeVine's interrogation was seriously flawed and should have been reviewed more thoroughly at the Station and disseminated with appropriate caveats. Neither the Station nor Headquarters made a serious effort to verify the allegations contained in the October 1991 report and Headquarters did not follow-up sufficiently on its initial efforts to have the Station do so.

122. Similarly, the January 1995 report alleging that Alpirez had killed Bamaca was also based on questionable information and should have been reviewed more thoroughly at the Station and disseminated with appropriate caveats. Neither the Station nor

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Headquarters made serious efforts to verify that report and Headquarters did not encourage the Station to do so.

Congressional Notification

123. The Agency should have notified the congressional intelligence oversight committees in October 1991 about the allegations that Alpirez had been present at an interrogation that resulted in the death of a U.S. citizen [REDACTED]. The committees should have been briefed, especially in light of the prompt and serious actions the Agency took on the basis of that report, in reporting to DoJ and [REDACTED]. [REDACTED] LA Division officers intended to provide such notification to the committees, but neither those officers nor senior Agency managers ensured that this was done.

124. In February 1995, the oversight committees were expeditiously notified of the only report alleging that Alpirez had been responsible for the death of Bamaca. While notification was laudable, it should have been made clear that there were competing versions of what happened to Bamaca, and that the January 1995 report was sketchy, third-hand hearsay, and unconfirmed. Furthermore, when it had become clear in November 1994 that there was congressional interest in Bamaca's fate, formal notification of the April 1994 report that Alpirez had interviewed Bamaca [REDACTED] [REDACTED] should have occurred.

125. [REDACTED]

[REDACTED]

126. The Agency provided [REDACTED] the oversight committees and participated during various committee hearings and briefings of committee staff [REDACTED].

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[REDACTED] It should have been recognized that the failure to provide this information in connection with the discussion of the DeVine case [REDACTED] would be viewed as misleading the committees. No evidence has been found to indicate that the failure to mention [REDACTED] in these reports, hearings and briefings was intended to mislead the committees. Neither has any evidence been found to indicate that the failures to notify the committees in 1994 of information indicating that Alpirez had interviewed Bamaca or [REDACTED] were intended to mislead the committees.

Ambassadorial Notification

127. The Station did not keep the Ambassadors appropriately informed in certain instances. Concerns about source protection and possible threats to Agency equities in its liaison relationships appear to have been the causes of some of these failures.

128. Ambassador Stroock was not properly notified in August 1990 [REDACTED] when the Ambassador was provided information about the military's involvement and cover-up in the DeVine killing and was preparing to present a demarche.

129. Ambassador Stroock was not properly notified in October 1991 [REDACTED] when allegations were received that Alpirez was present at the interrogation of DeVine.

130. [REDACTED]

131. Ambassador McAfee was not properly notified in 1994, even after asking in October 1994 for a complete summary of CIA intelligence relating to Bamaca, that Alpirez had reportedly

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interviewed Bamaca after his capture in March 1992 [REDACTED]
[REDACTED]

132. [REDACTED]
[REDACTED]

133. [REDACTED]
[REDACTED]

Collection and Reporting Standards

134. Information provided by Agency assets was responsive to [REDACTED] and included significant reporting on human rights issues in Guatemala, including the DeVine killing, Bamaca's fate, and the reactions of [REDACTED] Guatemalan political and military officials to U.S. policy initiatives in this regard.

135. However, in certain instances, concerns about source protection or possible threats to Agency equities in its liaison relationships appear to have been the cause of failures to report information fully and promptly. [REDACTED]
[REDACTED]

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136. Station reporting regarding human rights issues included some unsubstantiated reports from possibly biased sources about Alpirez [REDACTED] as well as the DeVine and Bamaca cases. The Station, LA Division and the DO should have made stronger efforts to validate the information and place it in the context of other reporting, analyze the biases and motivations of the sources, and ensure that consumers of the information were advised that there were significant questions about its validity and hearsay nature. It also appears that LA Division and the Station gave insufficient attention and consideration to the possibility that Station asset reporting on Bamaca's fate was based upon deliberately false information [REDACTED]

137. The Station and LA Division failed to meet Agency standards for [REDACTED] with particular reference to the assets who provided key information relating to Alpirez, DeVine, Bamaca, [REDACTED]

[REDACTED]

138. At the time the CIA first encountered Alpirez in a liaison capacity in 1987 [REDACTED] Agency records apparently revealed no derogatory information or indication that he had engaged in human rights abuses [REDACTED]

[REDACTED]

139. The August 1990 information [REDACTED] formed a substantial part of what the U.S. Government knew about official Guatemalan involvement in DeVine's killing. It also served as part of the basis for at least one U.S. Government demarche to the Guatemalans and the partial suspension of U.S. military assistance to Guatemala.

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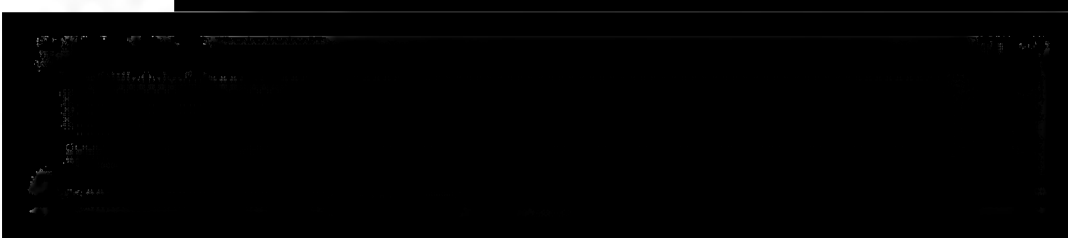
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Referral to Department of Justice

146. LA Division and OGC acted prudently in ensuring a prompt referral of the October 1991 allegations about Alpirez to DoJ. However, OGC should have probed more thoroughly to determine through a preliminary inquiry whether or not there was any basis to the allegations. In addition, having made the referral, OGC did not properly record or monitor the matter, or adequately respond to DoJ requests for further information.

Analytical Responsibilities

147. No factual basis has been identified for the [REDACTED] conclusion in an analysis presented to the NSC in January 1995 that Alpirez was at least "the intellectual author" of Bamaca's death. That analysis was also flawed because [REDACTED]
[REDACTED]

148. The DI [REDACTED] with primary responsibility was not made aware by DO officers of the April 1994 report that Alpirez [REDACTED] had interviewed Bamaca or that Alpirez [REDACTED] was reportedly present at the interrogation of DeVine. As a consequence, he was not able to include that information in briefings to senior State officials and HPSCI and SSCI staff members in November 1994 or in the [REDACTED] analytic reports that were disseminated to the Ambassador and NSC and State customers prior to January 1995.

149. Six reports have been found that allege that Alpirez had knowledge of or was involved in narcotics trafficking or other potentially unlawful activities. None of these reports establishes any connection between narcotics trafficking and the DeVine murder, nor does any of them indicate that the murder had as its purpose coercion or intimidation of, or retaliation against, a government or civil population. Neither has other evidence been found to indicate that Agency employees were aware of such a connection or purpose.

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Thus, there is no support for the contention that Agency employees engaged in an obstruction of justice in connection with the November 1991 referral to the Department of Justice.

Dispersal or Destruction of Records

150. No evidence has been found to indicate that any Agency personnel dispersed or destroyed records to prevent them from being reviewed by investigators. It appears that this allegation may have had its source in an Agency effort to provide copies of selected documents to former DCIs in order that they might be able to respond knowledgeably to public inquiries relating to Guatemala.

DO Records System

151. Weaknesses in the DO records system led to a failure to retrieve relevant allegations regarding human rights abuses [REDACTED]

[REDACTED] These weaknesses continue to cause problems for the Agency.

[REDACTED]
A. R. Cinquigrana
[REDACTED]

RECOMMENDATIONS

1. General. The following areas have been identified in the course of this investigation as requiring the attention of Agency management and are addressed in this section:

- Congressional notification;
- Ambassadorial notification;
- Selection of Chiefs of Station;
- [REDACTED]
- Collection and reporting responsibilities;
- Human rights reporting;
- [REDACTED]
- Analytical functions; and
- DO records system.

2. The paragraphs that follow constitute the IG's best judgment as to what should be done in each area, but we recognize that a management review of the issues involved may develop different and better approaches to improving current practices and policies in each area. The most important message we are conveying is that the identified areas require management's attention and remedial action. Thus, these recommendations should be viewed as a framework for further deliberation and development of responsive reactions in each area, not as a prescriptive list of actions that should be taken as stated. However, we strongly believe that the Overview Volume, with Conclusions and all Recommendations except the individual accountability section, should be made available to Agency employees in order that they may be fully informed and apply the lessons of this investigation to their own situations.

3. Congressional Notification. This investigation has shown that in the DO there is a predisposition against sharing information with Congress despite repeated statements by the Agency's leadership that Congress needs information to perform its oversight role and has the right to such information. The DDO should work to replace this bias with a predisposition that favors sharing information.


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4. The DCI should reaffirm that the Agency has an obligation to ensure that the Congress is kept fully and currently informed about Agency activities. The Director should make it clear that each Deputy Director and Head of Independent Office is responsible for determining, on a continuing basis, which matters within their areas of responsibility should be reported to the intelligence oversight committees of the Congress. Clear procedures should be established to ensure that such matters are reported.

5. Each Deputy Director and Head of Independent Office, in conjunction with the General Counsel and the Director of Congressional Affairs, should recommend criteria for the DCI's approval that are applicable to their areas of responsibility to govern which matters will be reported to the intelligence oversight committees.


6. Each Deputy Director and Head of Independent Office should require their managers to review on a continuing basis which matters within their areas of responsibility meet the established criteria for reporting to the intelligence oversight committees. In addition, each Deputy Director and Head of Independent Office should conduct a formal quarterly review of their activities to determine which matters, within or in addition to the established criteria, should be reported to the intelligence oversight committees. As part of this process all employees should be given the opportunity to identify matters that should be considered for such reporting.

7. Ambassadorial Notification. The DCI should issue new guidance concerning Chief of Station (COS) responsibilities for keeping Ambassadors informed about Station programs and activities.

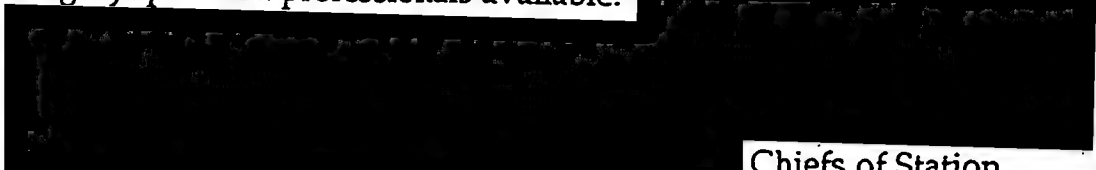


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8. Selection of Chiefs of Station. The DDO should develop standards, subject to DCI concurrence, for the development, selection and retention of Chiefs of Station to ensure that they are the most highly qualified professionals available.



Chiefs of Station should not be selected for reasons other than professional competence,



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11. Collection and Reporting Responsibilities. Both Headquarters and Stations are responsible for ensuring that the highest possible standards are maintained in CIA's collection and reporting efforts. [REDACTED]

12. Human Rights Reporting. The DDO should develop procedures to ensure that Stations meet established standards for reporting information relating to human rights abuses. [REDACTED]

13. [REDACTED]

14. [REDACTED]

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[REDACTED]

15. Analytical Functions. DI analysts responsible for producing finished intelligence and conducting briefings of government policymakers should be given access to [REDACTED] that pertains to their areas of responsibility. The DDI should establish standards that ensure that DI analysts consider all relevant information so that inaccurate, misleading, or incomplete statements are not incorporated into DI intelligence products or briefings.

16. DO Records System. The DO should intensify its efforts to ensure that Headquarters and Station personnel are supported by a records and information management system that will provide thorough, dependable and timely access to all information of relevance to a particular individual or subject. [REDACTED]

[REDACTED]

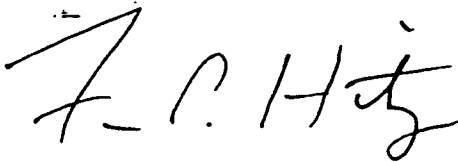
17. Accountability. This investigation has established that there is no basis for several of the most significant allegations that have been made against the Agency and its employees relating to its activities in Guatemala. Unfortunately, the investigative and political furor that was launched with these allegations and that has consumed much of the U.S. Government's valuable time and energy for the past several months could have been avoided or reduced if Agency employees had performed more capably in reporting the events in question.

18. A review of Agency activities relating to the Alpirez, DeVine, Bamaca, [REDACTED] matters reveals a general failure to adhere to the professional standards in collecting, reporting and analysis that the Agency expects from its personnel. The causes of this are puzzling. It may be that closer scrutiny or higher standards are now being imposed on the workforce. There are many possible explanations which we will not venture here.

19. Whatever the reason, from recruitment to reporting; from corroboration to processing; from validation to analysis; from congressional notification to crimes referral, the facts demonstrate performance that is not as professional or competent or sound in its judgments as the Agency and the U.S. Government have a right to expect. It is not that anyone engaged in intentional wrongdoing, but that so many errors were committed along the way. Agency management also must be faulted for the failures of Agency personnel that are identified in this Report of Investigation.

20. Many officers contributed to the problems and shortcomings described in this Report, but certain officers had special responsibilities and played significant roles that separate them from the rest. Although there is no evidence to indicate that they were involved in the specific events under review here, the level of professionalism that prevailed in the Agency must ultimately be laid at the feet of the most senior Agency managers, DCIs and DDCIs during this period. In addition, the names of individual officers who should be held responsible for specific deficiencies have been provided to the Director for his consideration and action.

CONCUR:



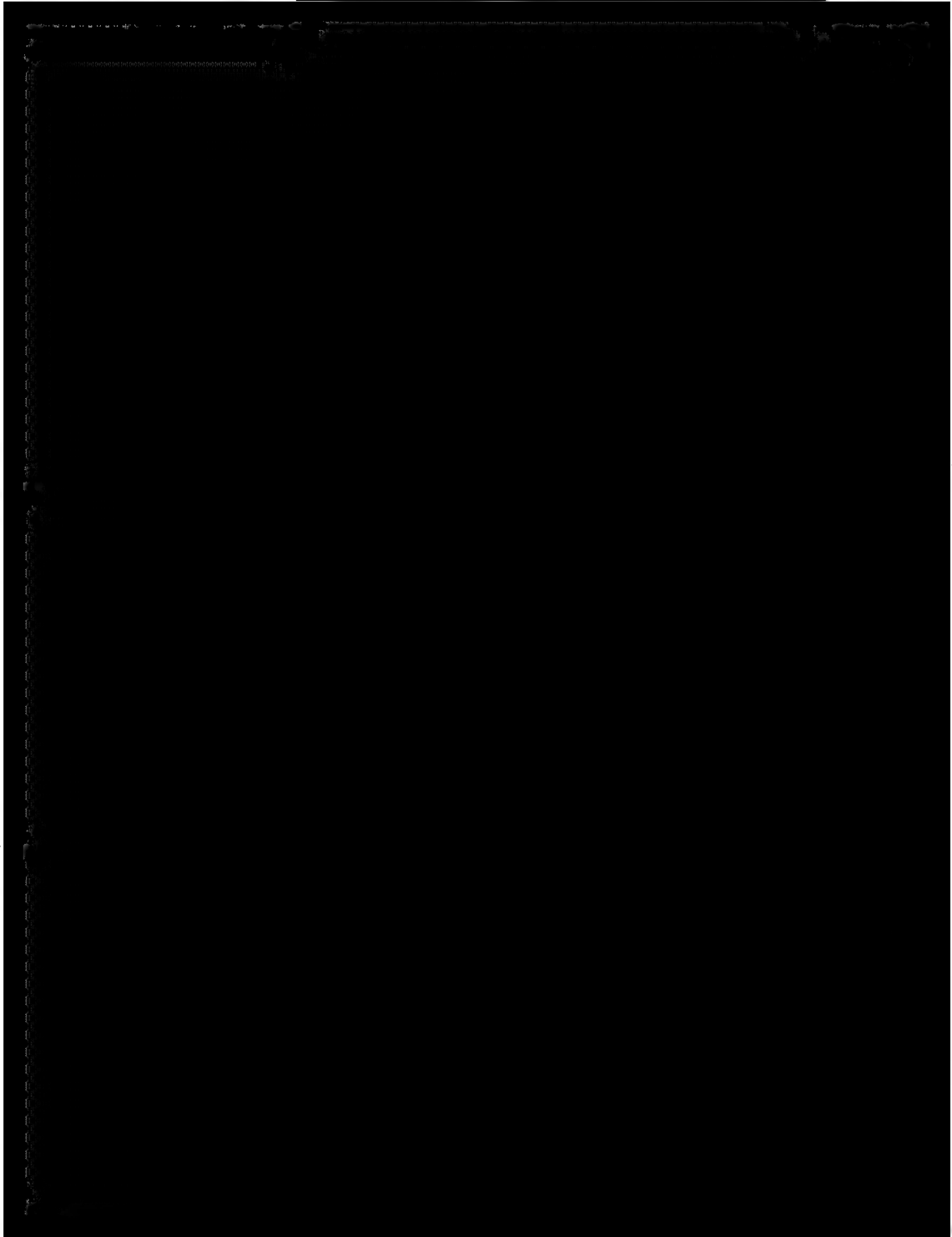
Frederick P. Hitz
Inspector General

15 July 95

Date

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EXHIBIT A:



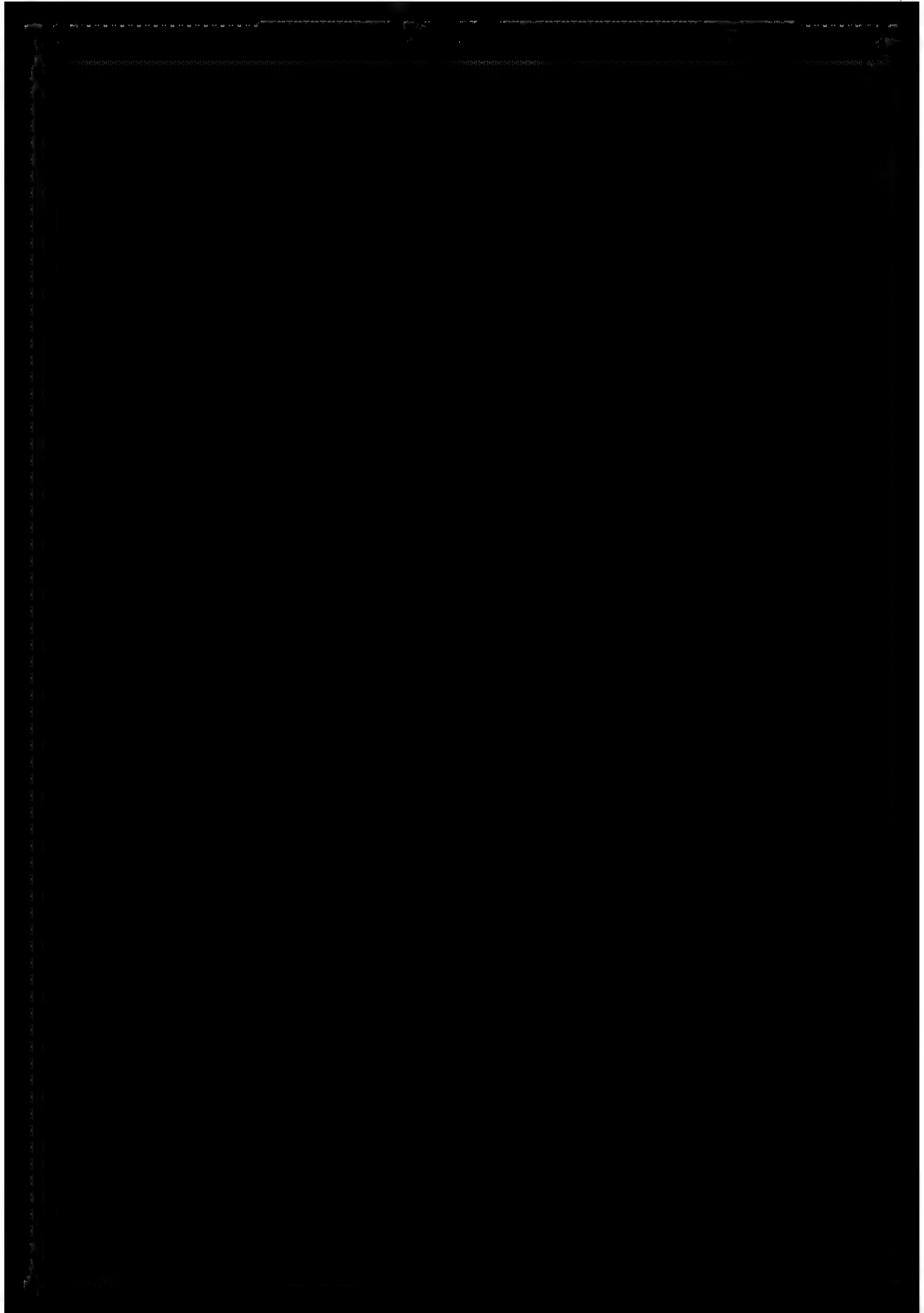
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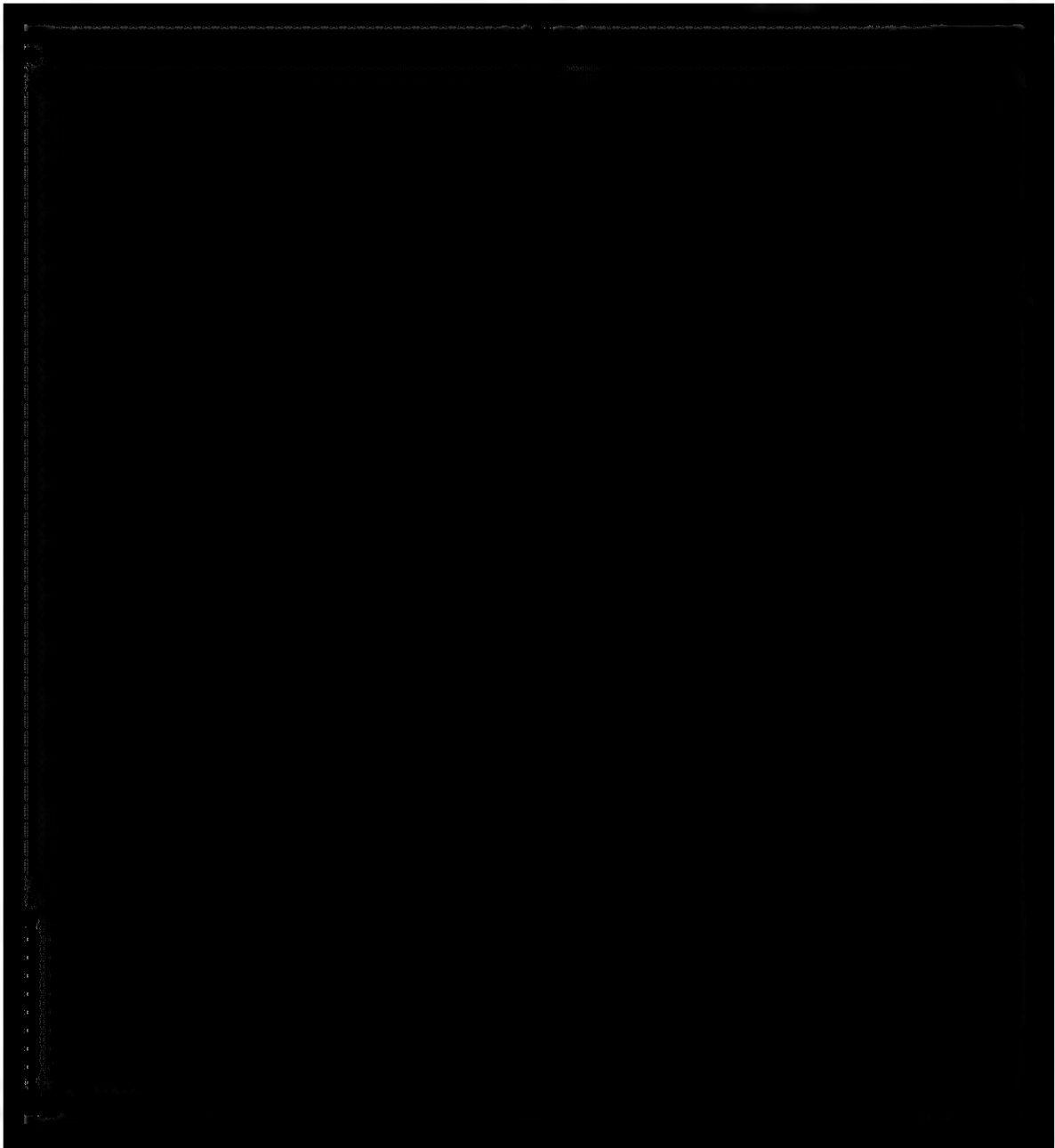
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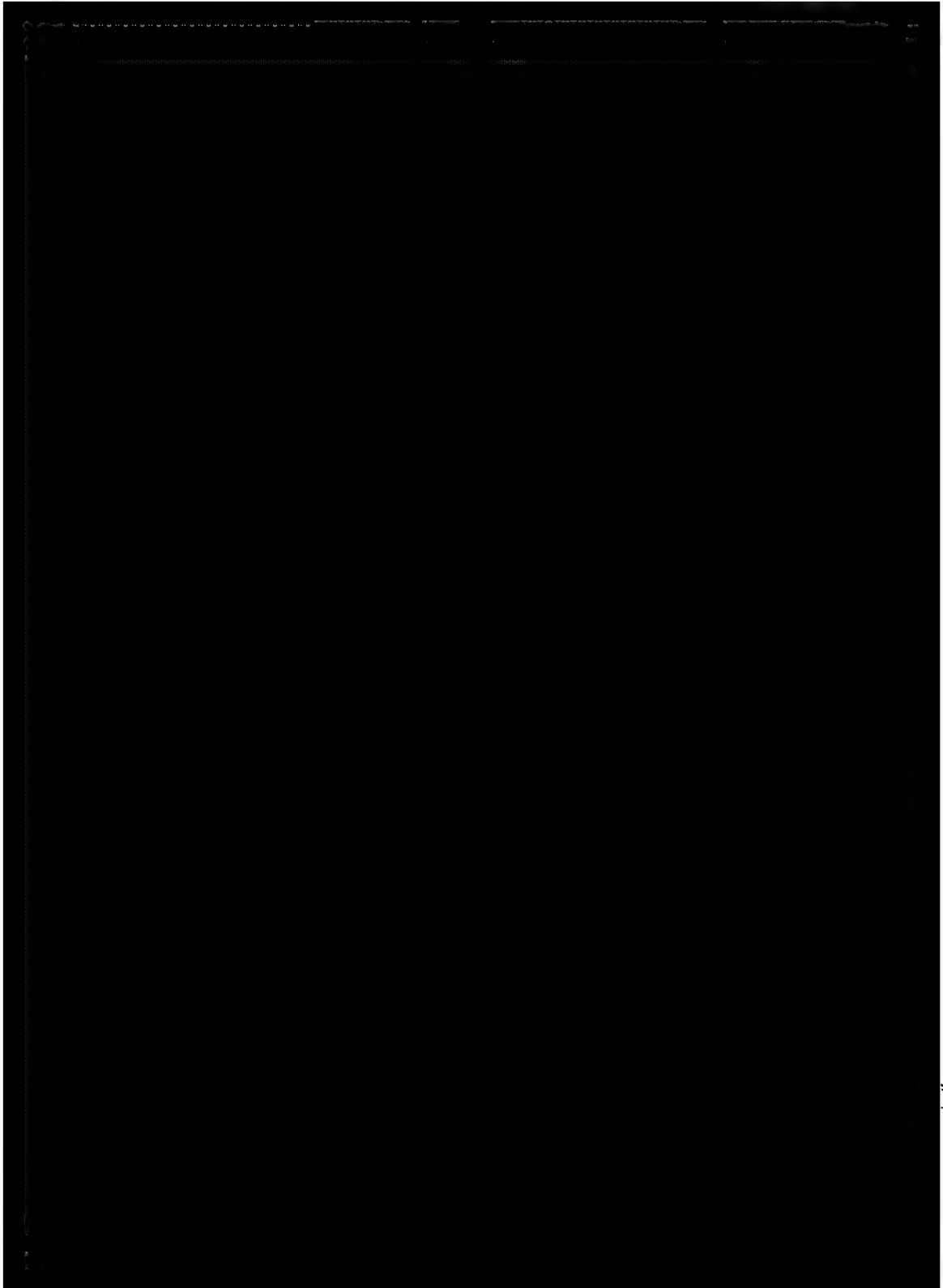
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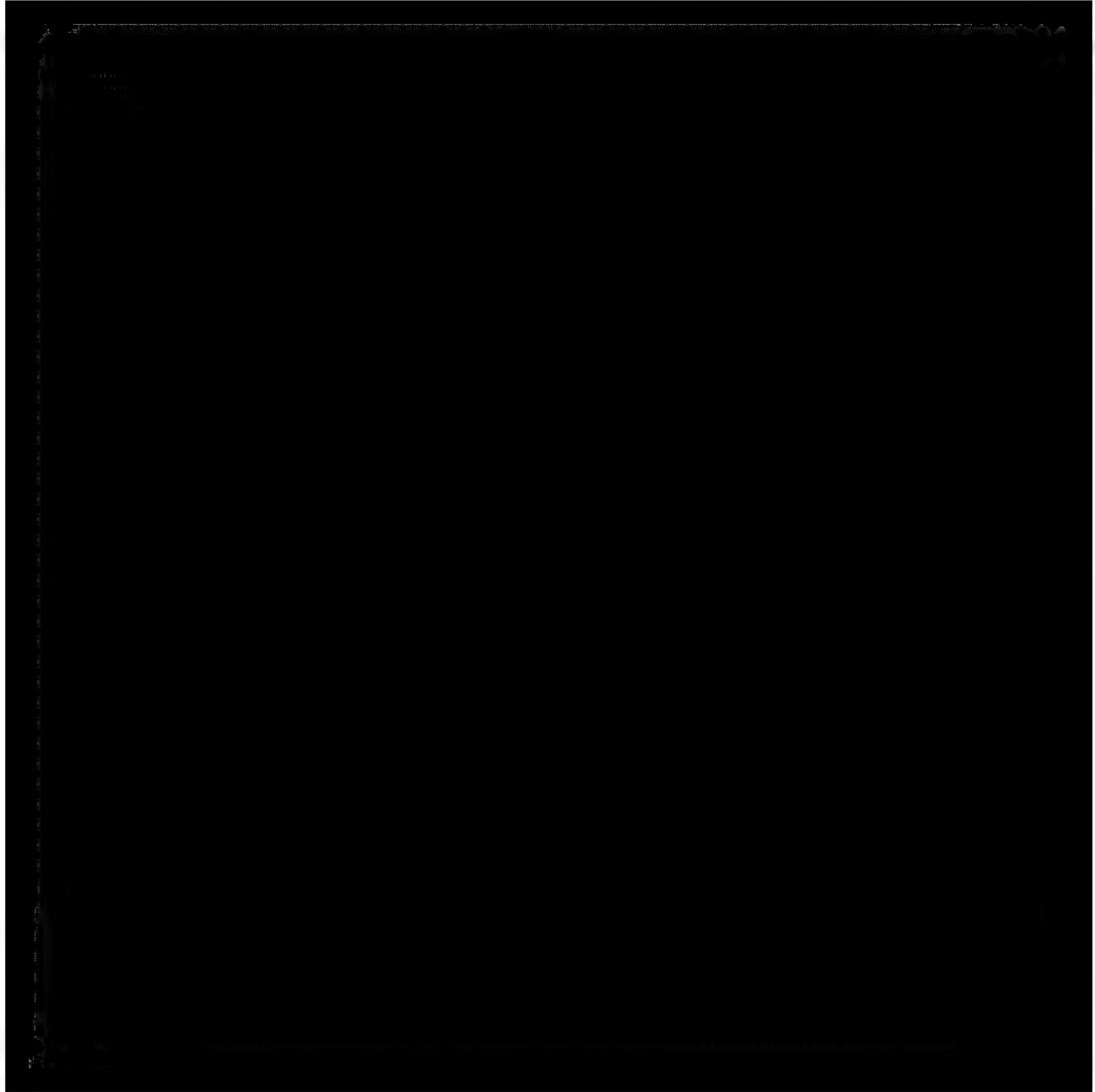
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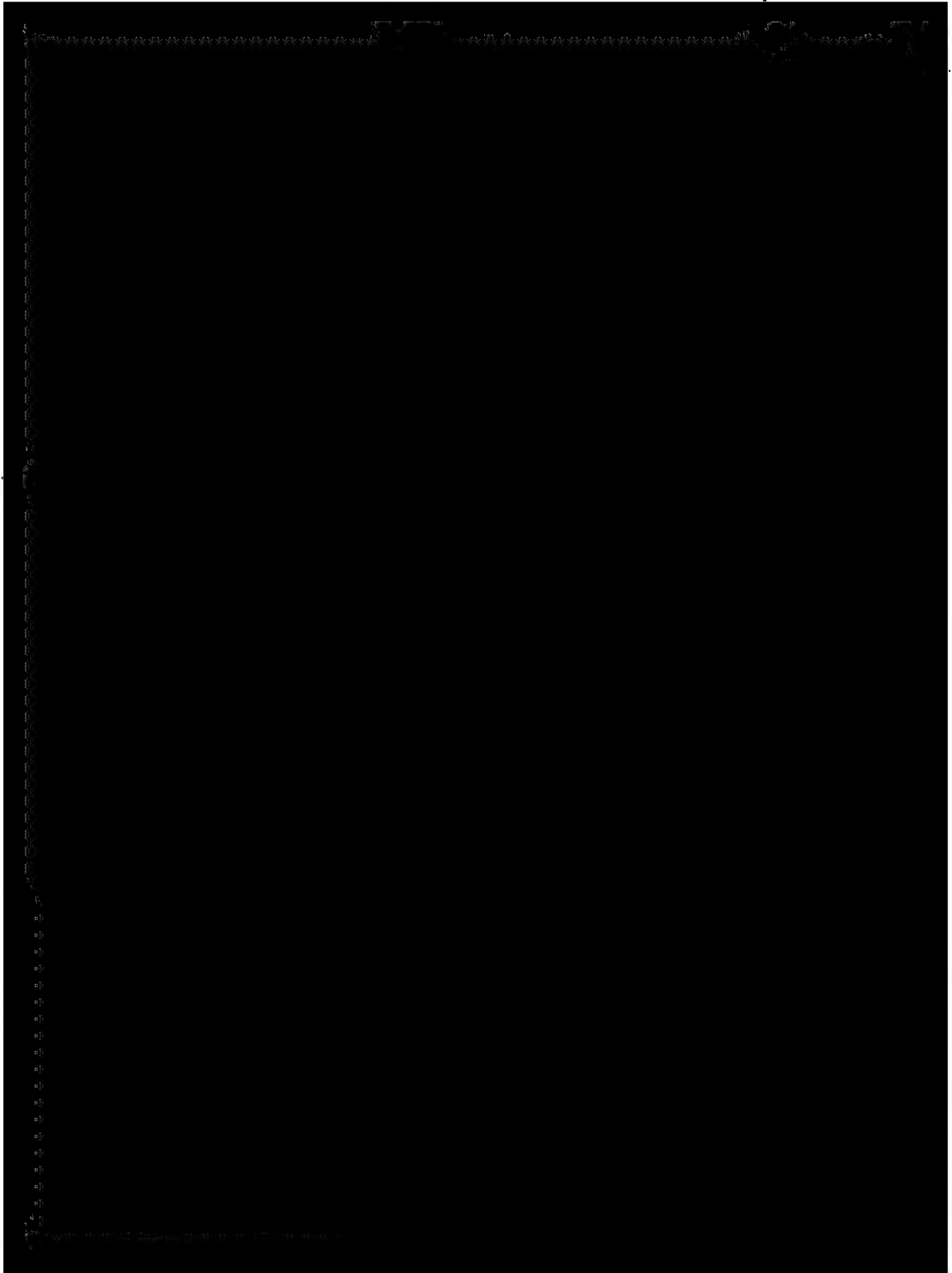
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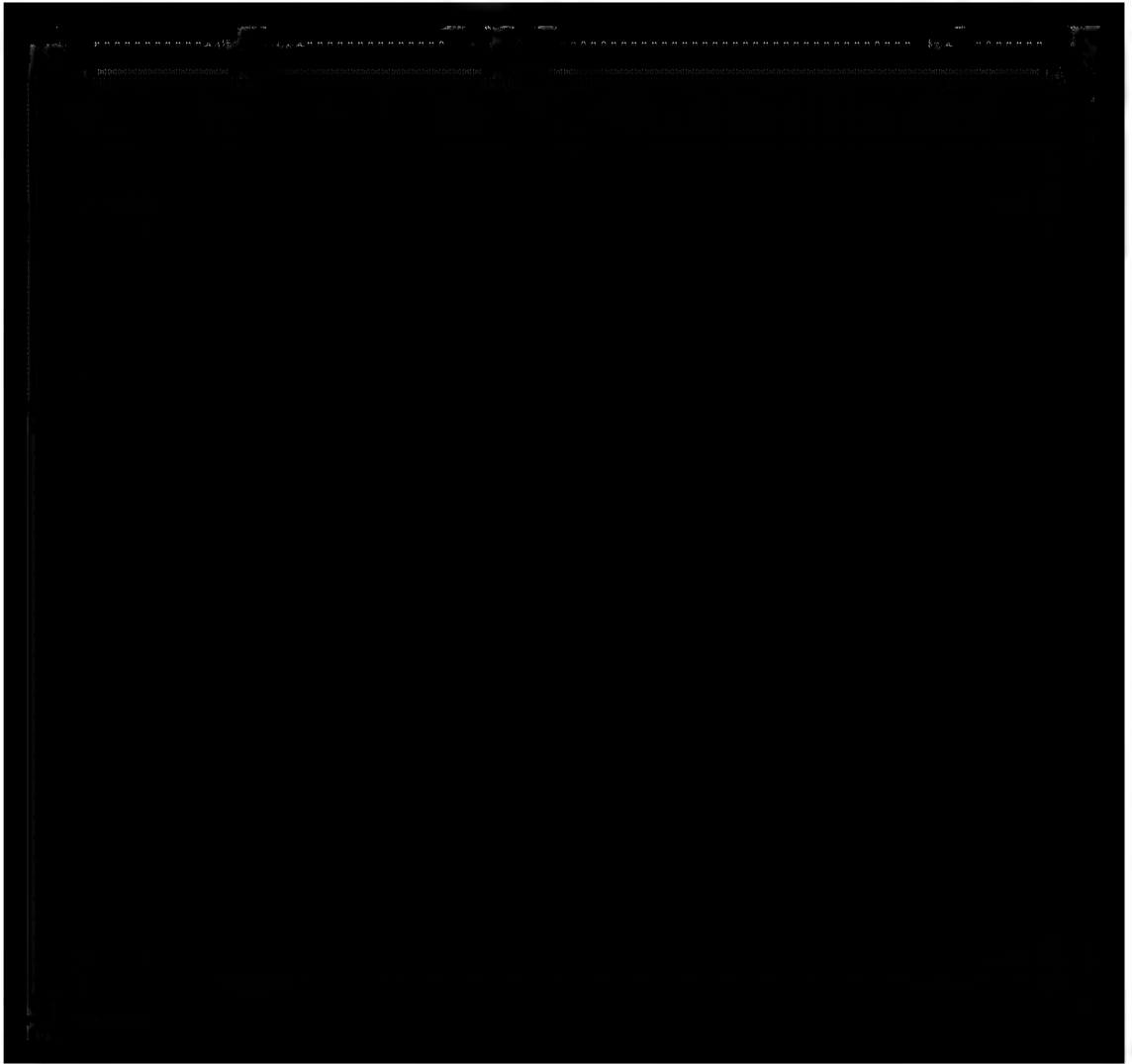
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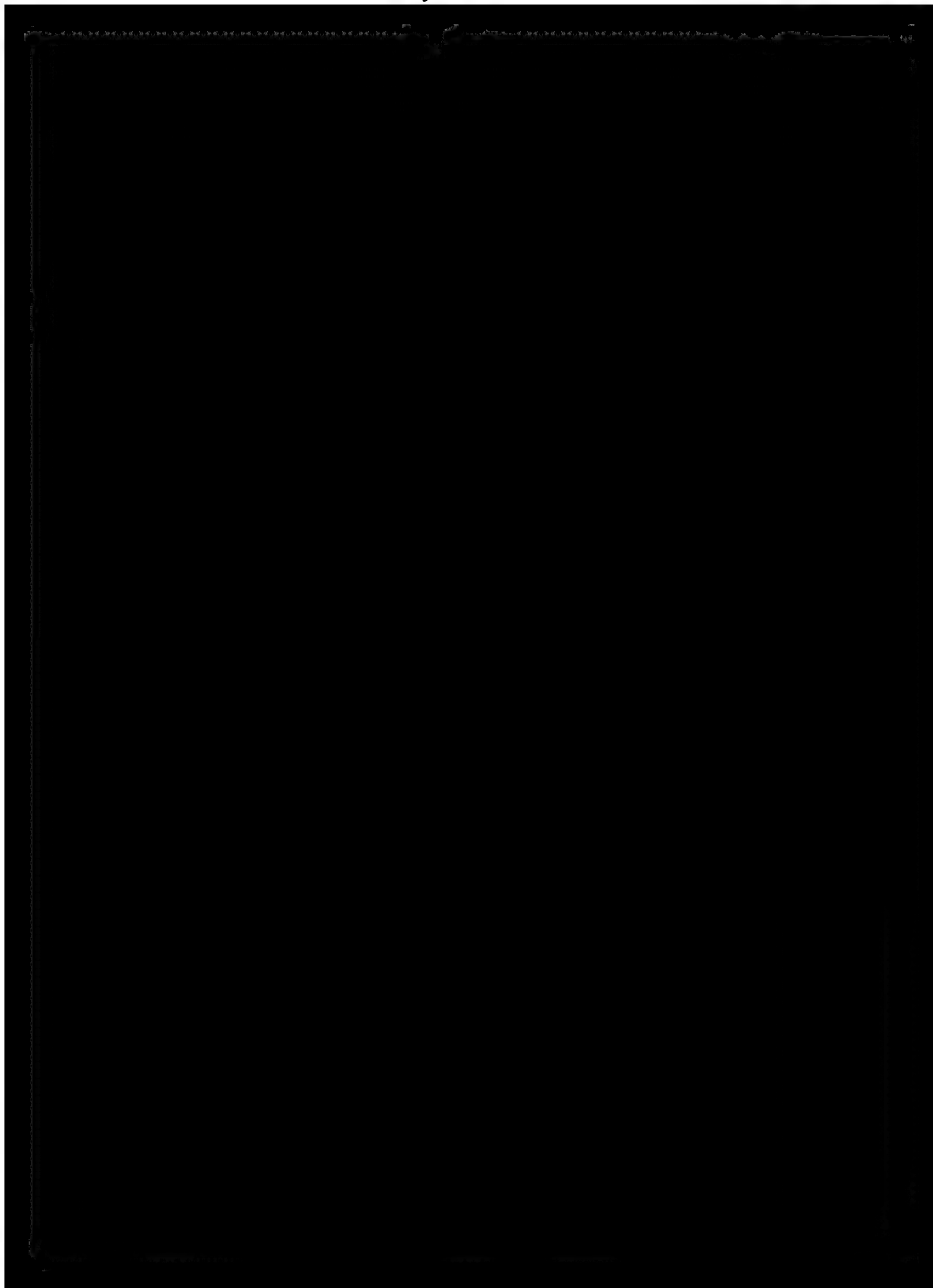
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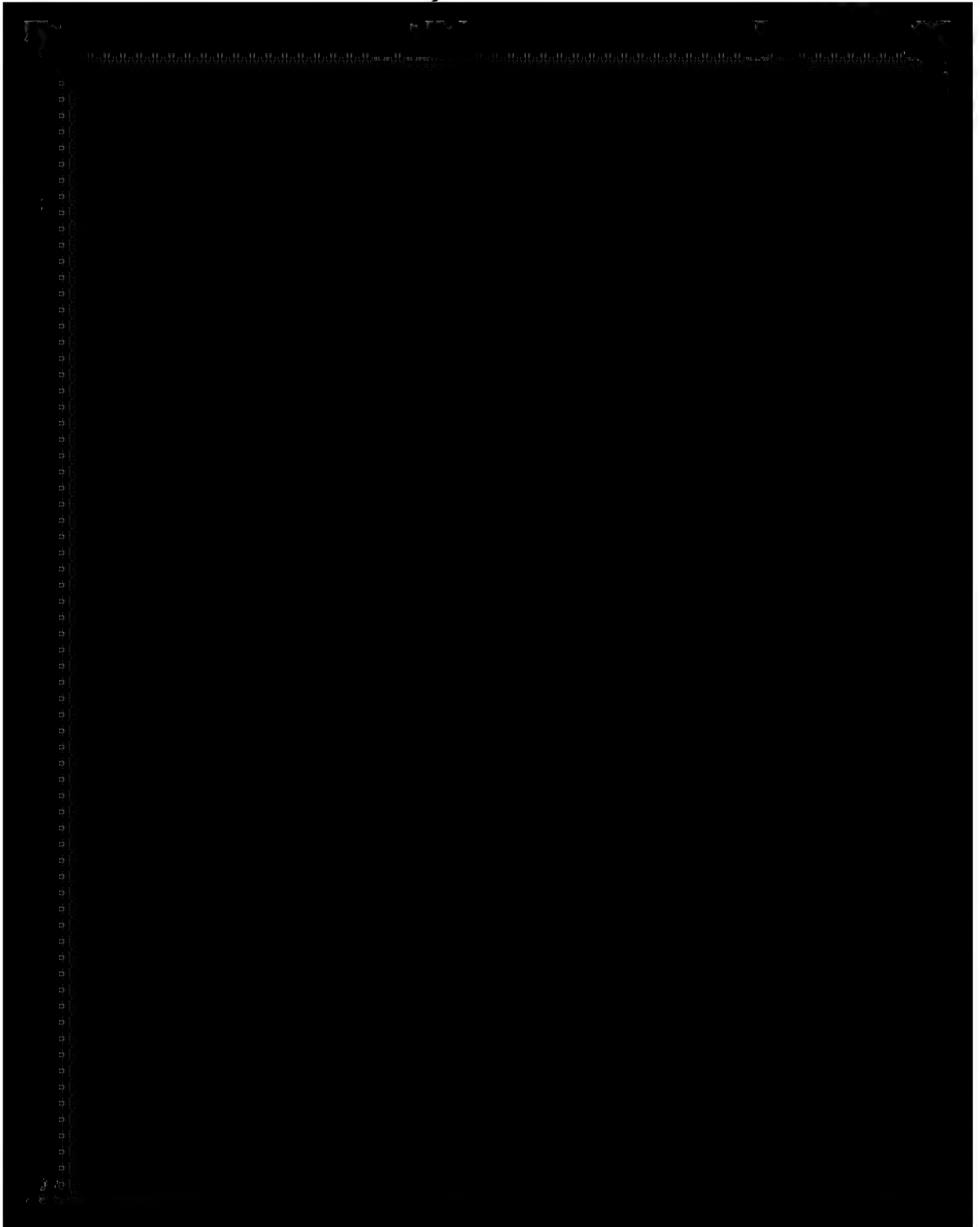
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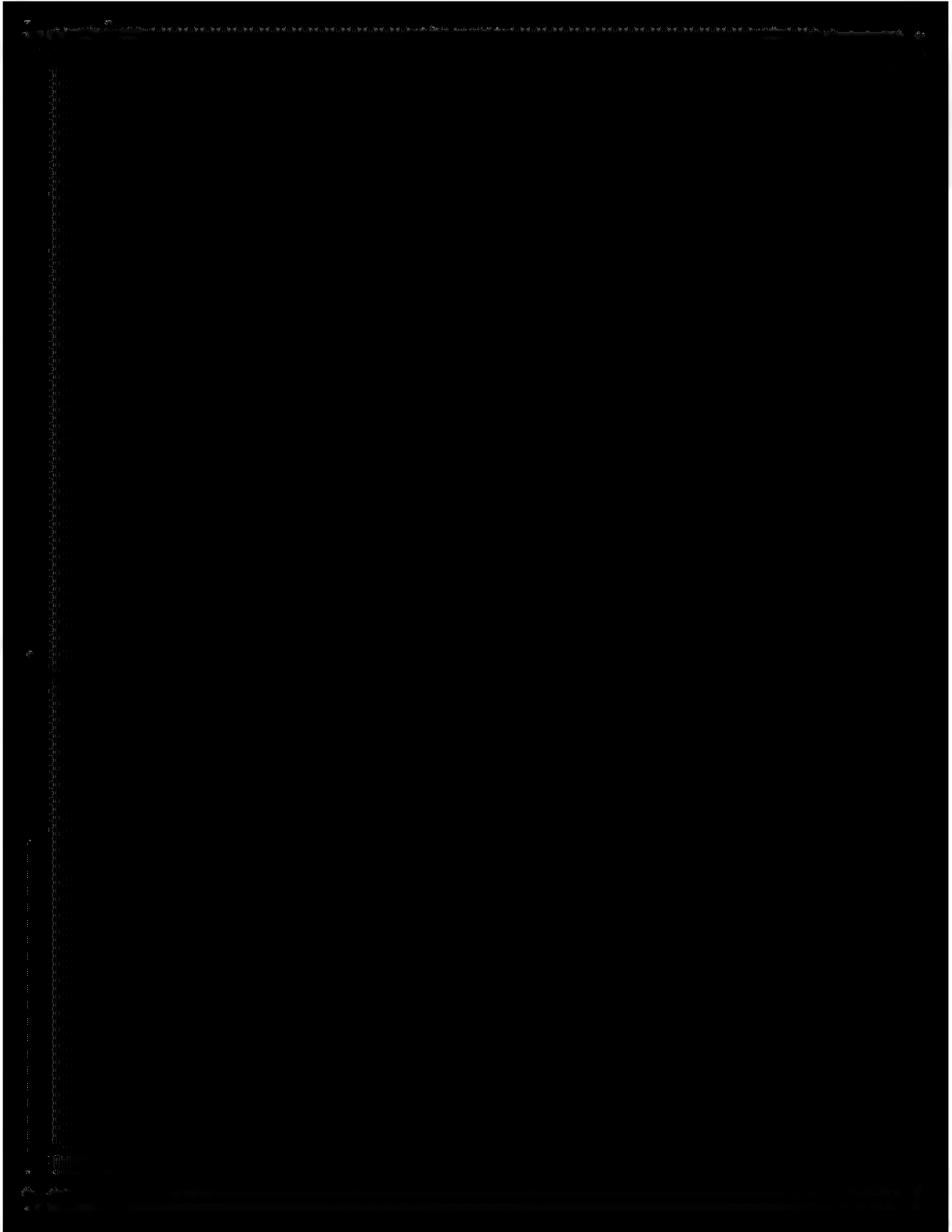
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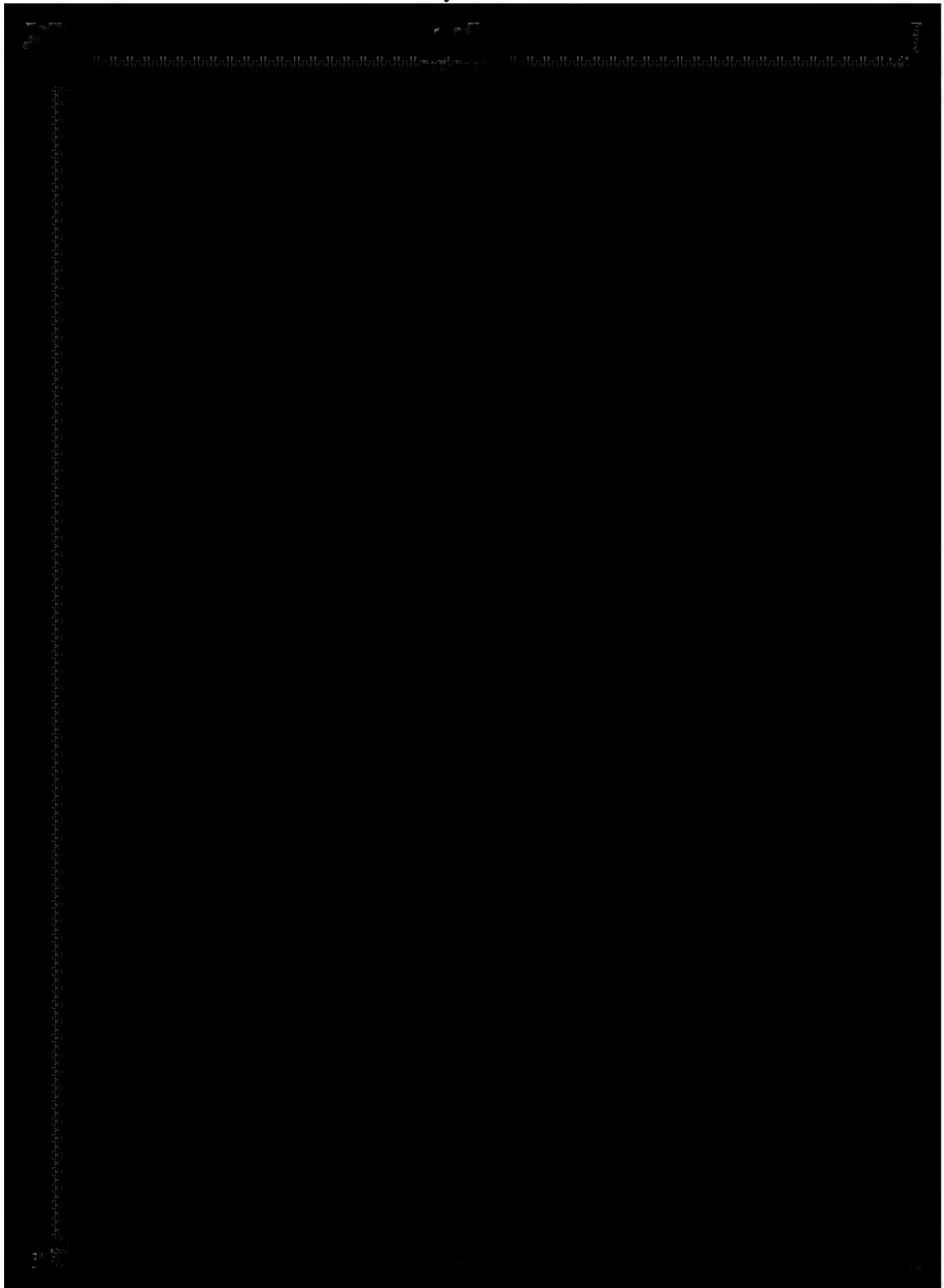
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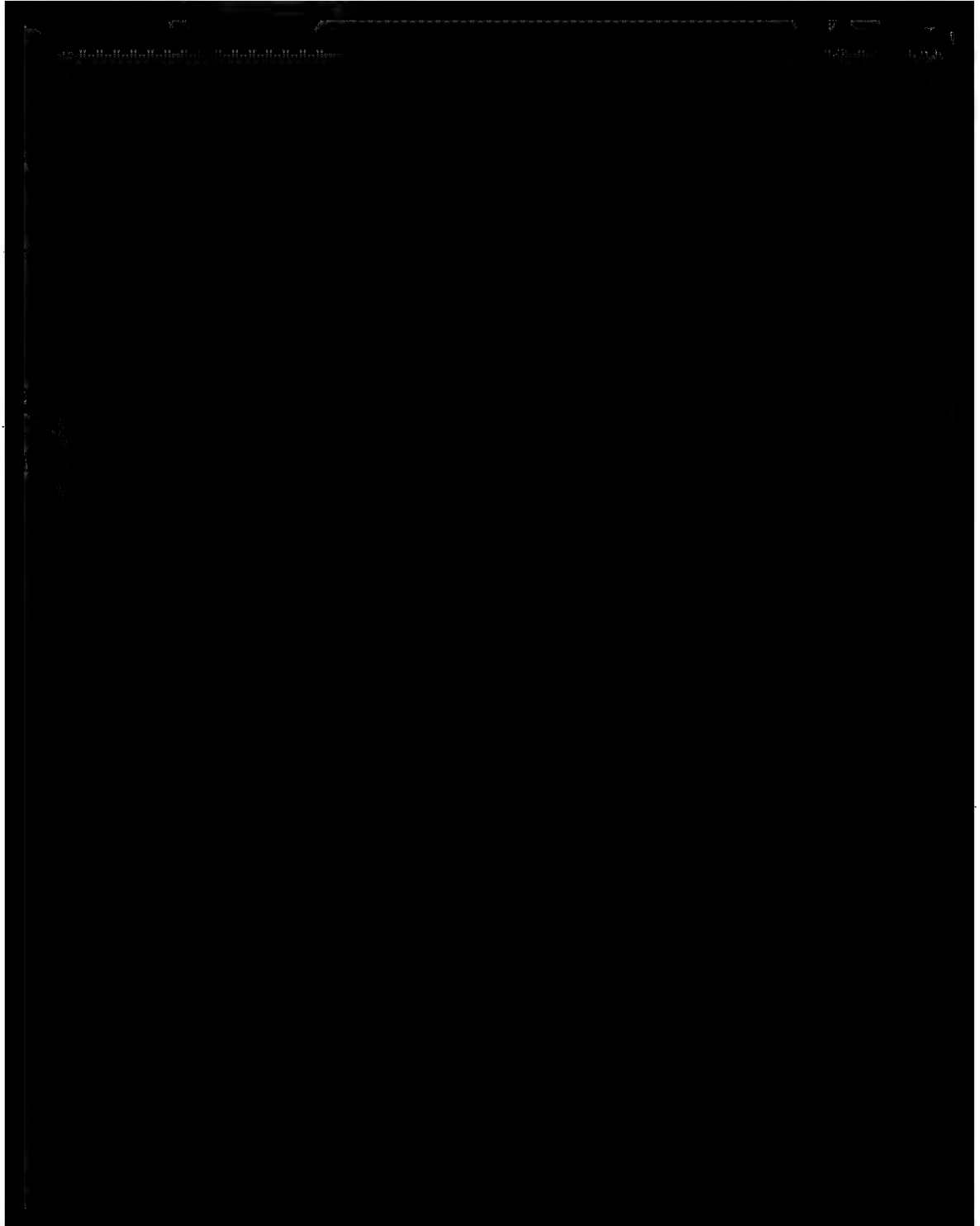
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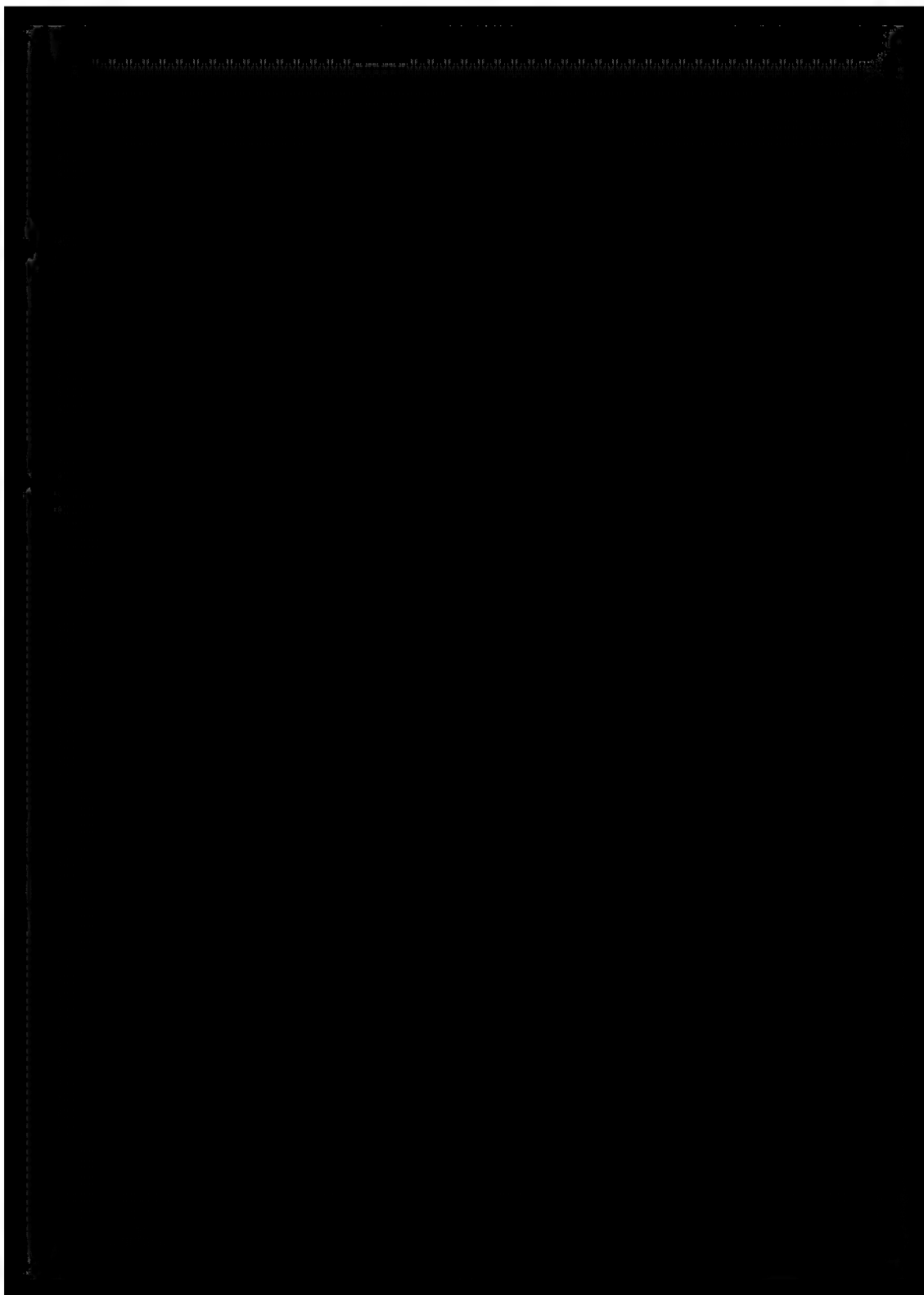
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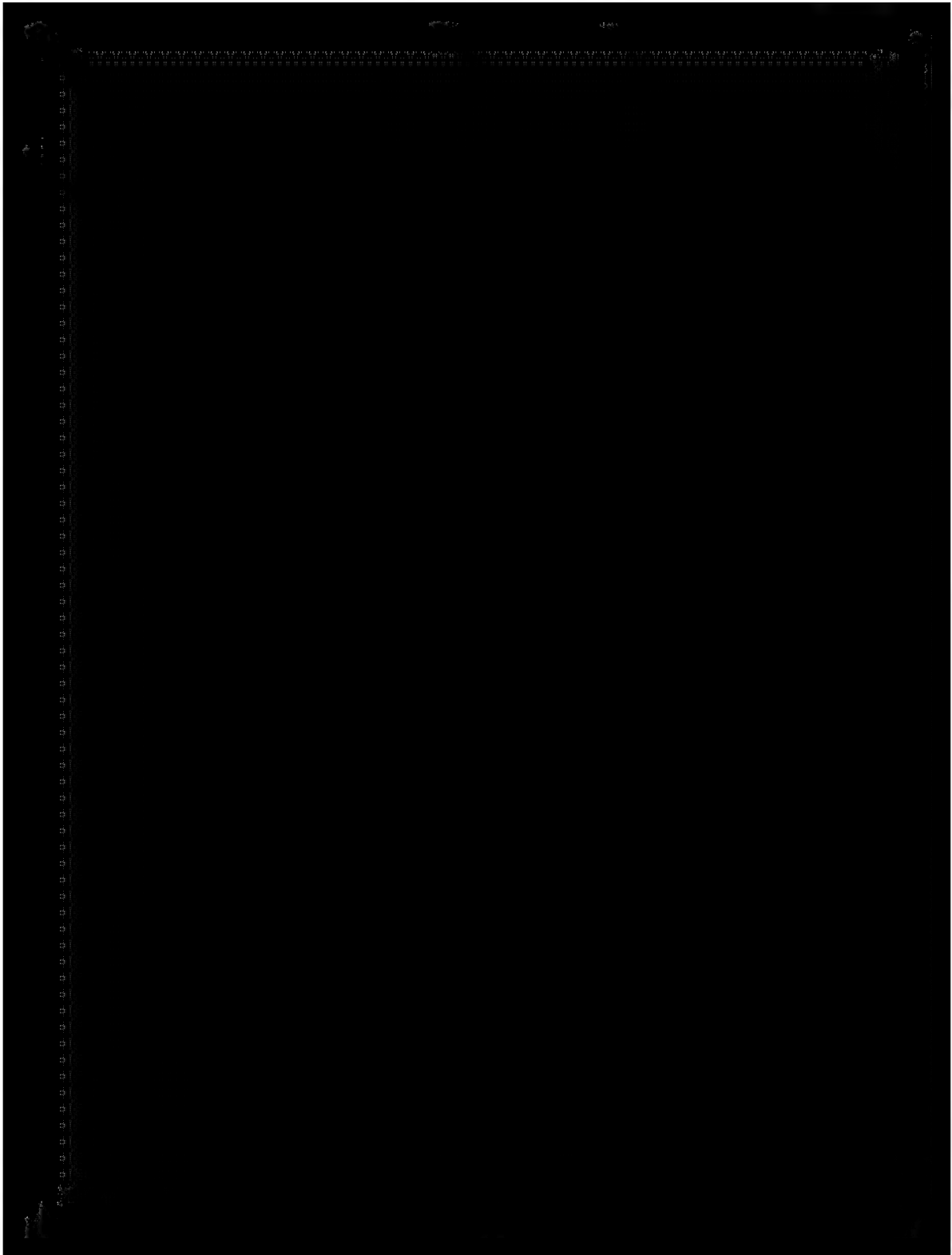
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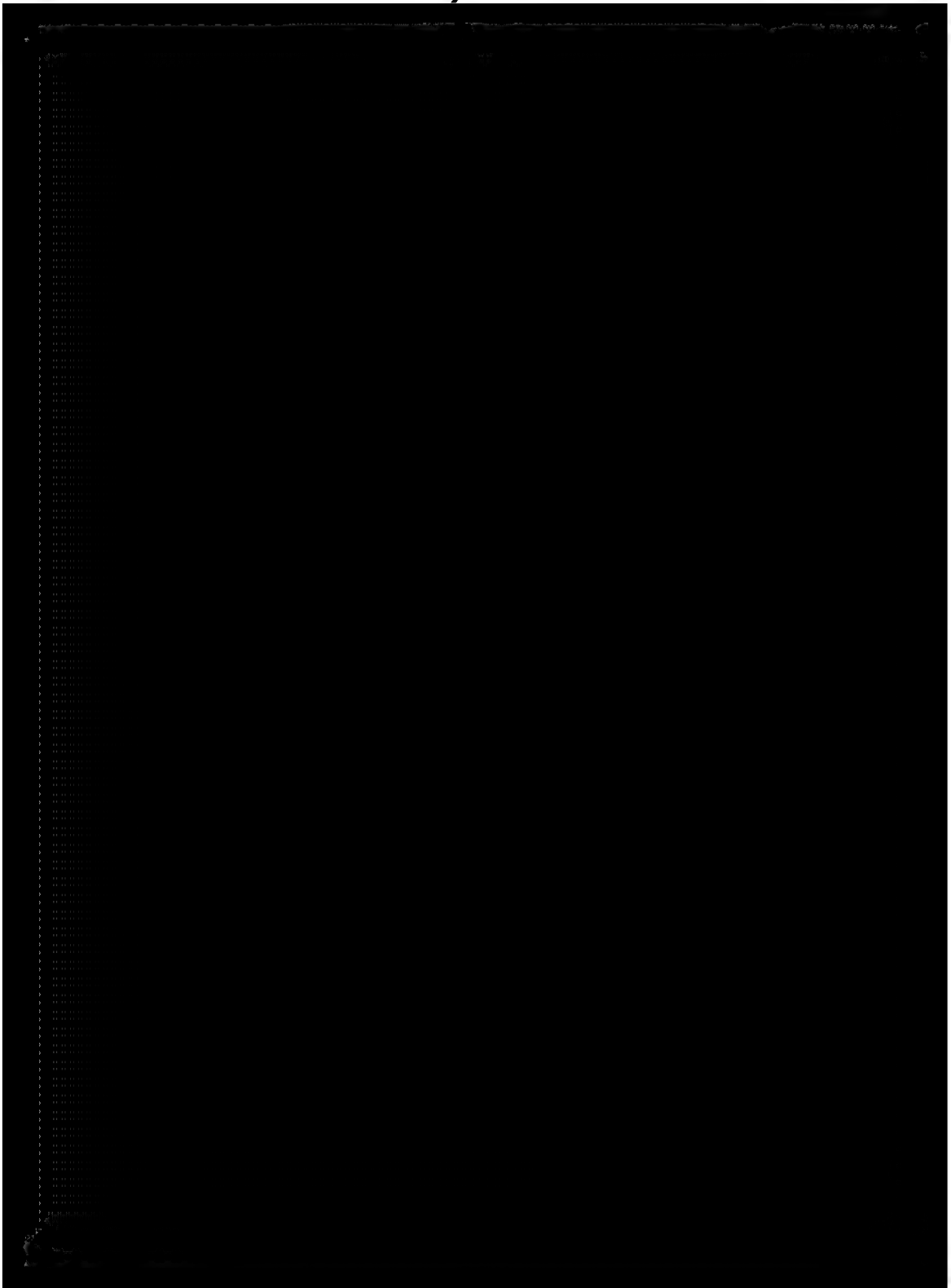
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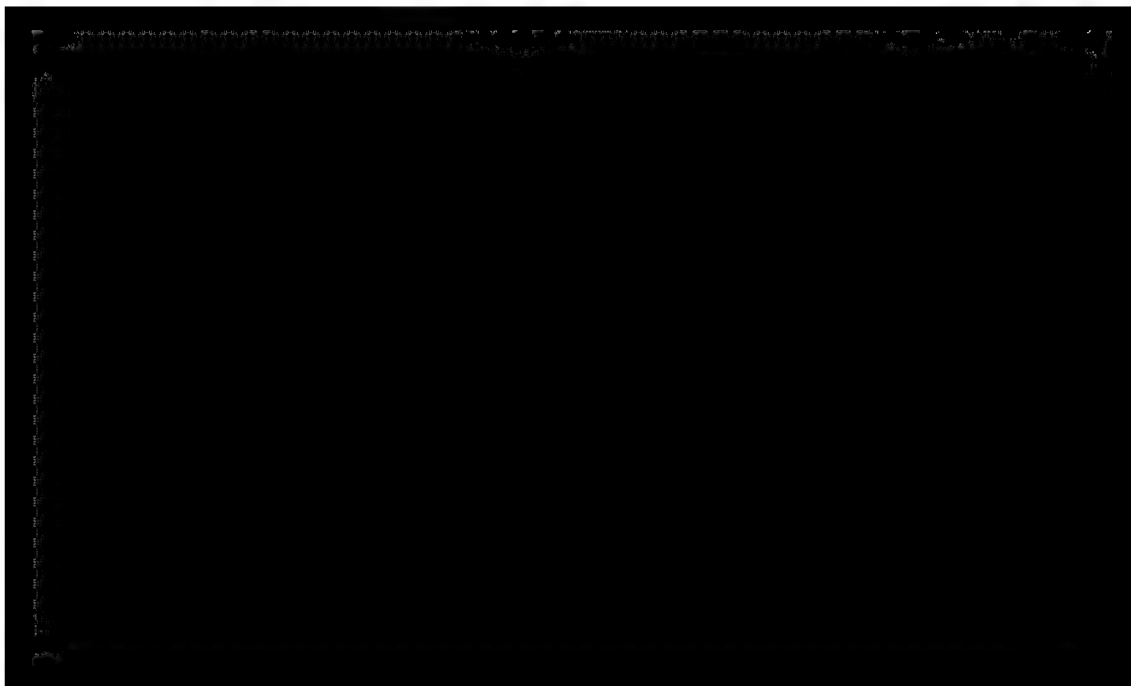
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EXHIBIT C: CONGRESSIONAL NOTIFICATION REQUIREMENTS

Section 502 of the National Security Act of 1947, as amended (50 U.S.C. § 413a) requires, "to the extent consistent with due regard for the protection of unauthorized disclosure of classified information relating to sensitive intelligence sources and methods or other exceptionally sensitive matters," that the Director of Central Intelligence "keep the Intelligence Committees fully and currently informed of all intelligence activities," other than covert actions, that are carried out by CIA. In addition, Section 501 of the National Security Act (50 U.S.C. § 413) provides that "the President shall ensure that the intelligence committees are kept fully and currently informed of the intelligence activities of the United States" and that "the President and the intelligence committees shall each establish such procedures as may be necessary to carry out the provisions of this Title."

The requirement to keep the Intelligence Committees fully and currently informed of the intelligence activities carried out by CIA (hereinafter "fully and currently informed") is one aspect of the provisions governing congressional oversight of intelligence activities that originated in the Intelligence Authorization Act for Fiscal Year 1981. While the provisions were amended and recodified by the Intelligence Authorization Act for Fiscal Year 1991, Senate Report 102-85 accompanying that 1991 Authorization Act provides that the provision requiring that the intelligence committees be kept fully and currently informed "maintains obligations imposed by current law."

The meaning of the fully and currently informed requirement was discussed in nearly identical language by Senate Report No. 96-730 that accompanied S.2284, the Intelligence Oversight Act of 1980, and House Report 96-1153, Part I that accompanied H.R. 7668, the House version of the bill. The Senate and House Reports state that the phrase "fully and currently informed" was adopted from the

* This summary of statutory, regulatory and policy guidance relating to Agency obligations to collect and report information pertaining to human rights abuses has been prepared by the CIA Office of Inspector General.

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Atomic Energy Act of 1946, a standard that served well the needs of the Joint Committee on Atomic Energy for over 30 years. The Reports go on to say that "the responsibility of the Executive here is not limited to providing full and complete information upon request from the Committees; it also includes an affirmative duty on the part of the head of each entity to keep the committees fully and currently informed of all major policies, directives, and intelligence activities."

Report No. 96-1350 explains actions taken by the Conference Committee to reconcile and incorporate the oversight provisions in the Intelligence Authorization Act for Fiscal Year 1981 and provides additional explanatory comment on the meaning of the provisions. With regard to the provision that nothing in the Act was to be construed as authority to withhold information from the intelligence committees on the grounds that providing them with information would constitute an unauthorized disclosure of classified information or information relating to intelligence sources and methods, the Conference Report states:

"The conferees expect that mutual agreement on the need to protect vital intelligence sources and methods may result in decisions that certain information, such as the identities of covert agents, need not be furnished to the select committees in particular circumstances. Although differences have occasionally arisen under the current procedures, and may arise on future occasions after the enactment of this statute, it is the view of the conferees that, as in the past, such differences must be resolved on the basis of comity and mutual understanding. Moreover, both branches agreed that the select committees continue to have the right to obtain information they require by subpoena."

In 1991, the National Security Act was amended to place responsibility on the President, in addition to the DCI and the heads of other intelligence entities, to ensure that the intelligence committees are kept fully and currently informed of the intelligence activities of the United States. The role intended for the President appears to be broad, contemplating the establishment of policies that ensure that the statutory requirements in the bill are implemented. The 1991 amendments left undisturbed the preexisting authority of the President and intelligence committees to establish procedures necessary to carry out the congressional oversight provisions of the Act, including the requirement that the committees be kept fully and currently informed. Since that Act became law, however, no procedures have been established by the President or the intelligence committees that relate to this obligation.

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Executive Order 12333, United States Intelligence Activities, dated December 4, 1981, provides in section 3.1, Congressional Oversight, that the duties and responsibilities of the DCI to cooperate with the Congress in the conduct of its responsibilities for the oversight of intelligence activities are as provided in 50 U.S.C. Section § 413. Agency Regulation [REDACTED]

[REDACTED], repeats the substance of the oversight provisions in 50 U.S.C. § 413 and § 413a, including the requirement to keep the intelligence committees fully and currently informed of all intelligence activities conducted on behalf of CIA. Agency Regulation [REDACTED]

[REDACTED] guidance with respect to requests from Members, committees and staffs of the Congress. This regulation states that "decisions on reliability of Agency information are made by the Deputy Director concerned or designee in coordination with OCA based upon the general responsibility of a member or committee or the specific subject of a committee inquiry or investigation."

A January 1993 Inspector General Report of Inspection concerning the Office of Congressional Affairs and the Agency's Interaction with Congress examined the subject of providing information to Congress. The report, which did not make any formal recommendations, noted that "although the provision of information to the intelligence oversight committees is one of the Agency's important responsibilities, Agency officials . . . did not identify any formal guidelines for decisions to provide or deny information requested by a congressional inquiry." The IG Report went on to note that "currently in some parts of the Agency, the process for responding to requests for information from the oversight committees appears to be influenced by persistent cultural bias against sharing information." The Report noted that the inspection team "believed that "this bias should be replaced by a predisposition that favors sharing information unless withholding is approved by the DCI or disclosure would entail an unacceptable risk of irreparable injury to core Agency interests, as may be the case with the disclosure of agent or source identities or equally sensitive

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information." While the inspection team was told that any decision to deny information to the Congress would require the DCI's approval, the majority of the team believed that Agency regulations were ambiguous as to who has authority to deny information. The majority of the team believed the regulation should state clearly that denial of information to Congress requires the approval or concurrence of the DCI.

Other Agency policy pronouncements have addressed the requirement to keep the intelligence committees fully and currently informed. [REDACTED]

reiterates this statutory obligation, noting that it is to be carried out "consistent with Constitutional prerogatives of the Executive Branch." In addition, the Agency has published and circulated widely since at least 1988 an eight-page pamphlet entitled "Briefing Congress." In a section entitled "Guidelines for Congressional Briefings the pamphlet states that "a CIA officer in contact with Congress—whether before a committee, an individual Member, or a staffer—should present information that reflects the following: "candor, correctness, completeness, and consistency." These elements have come to be known in the Agency as "The Four C's."

Candor: Be sure that the information you provide is, to the best of your knowledge, true and accurate.

Completeness: Respond to questions in a full and forthright manner; avoid conduct that could give rise to criticism that your audience "did not get the right answer because it did not ask the right questions."

Correctness: If you have provided information in a briefing that is incorrect, or if you have omitted something significant, see that the right information is provided as soon as possible. OCA will transmit the corrected or updated information to the Member, committee, or staffer.

Consistency: Our responses to Congress are based on established guidelines which are summarized in the pages that follow.

The first guideline that follows the explanation of "consistency" is entitled "analytical vs. operational information." The guideline states that analytical information may be provided to any Member, or committee, or staff member with the requisite clearance and a legitimate reason for requesting it. The discussion goes on to state :

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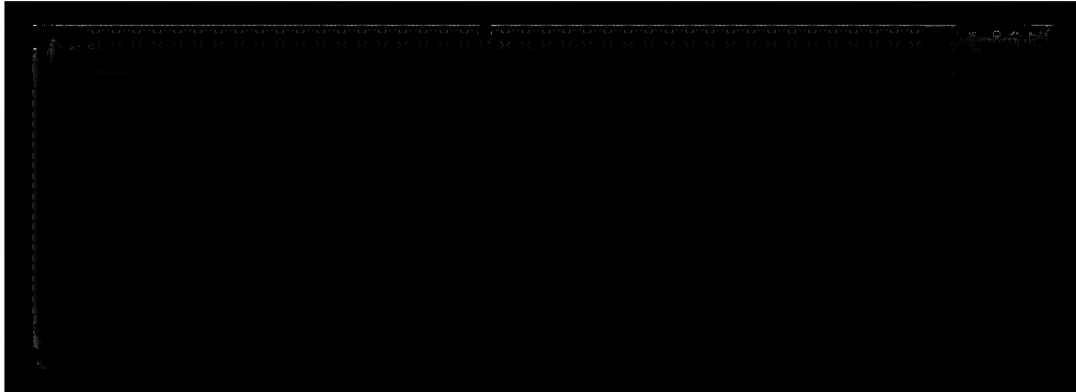

"information about operational activity, excluding specific source identifying data, is provided only to the oversight committees."

In addition, the Office of Congressional Affairs developed a lengthy paper in the late 1980's entitled "Guidelines for Contacts with Congress." It appears that this OCA paper predated the Four C's pamphlet and its guidelines concerning the obligation to provide certain information to Congress are more limited in scope. For example, in explaining the term "completeness", the statement is made that

"it is not enough that testimony be accurate; it must also be complete. Agency officials should not respond to a question with a narrowest possible answer. Instead keeping in mind the protection of sources and methods and other issues identified in these guidelines, Agency officials should be forthcoming in responding to a question and should attempt to answer it with an informative, complete answer." (Emphasis added).

In addition, under a heading of "sources and methods," it is stated that

Sources are readily described to oversight committees in general terms Agency officials should not discuss the specific sources of intelligence . . . except in unusual circumstances and with advance approval. Such exceptions generally involve cases where there is credible evidence of illegal or improper activities.



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It does not appear that these guidelines were circulated outside of OCA. However, the qualifications they contain concerning intelligence sources may have served as the basis for the statement in the Four C's Pamphlet that "specific source identifying data" was generally to be excluded from the operational information provided to the oversight committees.

[REDACTED] provided guidance for release of DO intelligence information to the congressional oversight committees. It dealt with procedures for releasing information in response to requests, not with any general requirements to notify the committees in the absence of a request. This [REDACTED] was replaced by a revised version on [REDACTED]

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EXHIBIT D: HUMAN RIGHTS REPORTING REQUIREMENTS

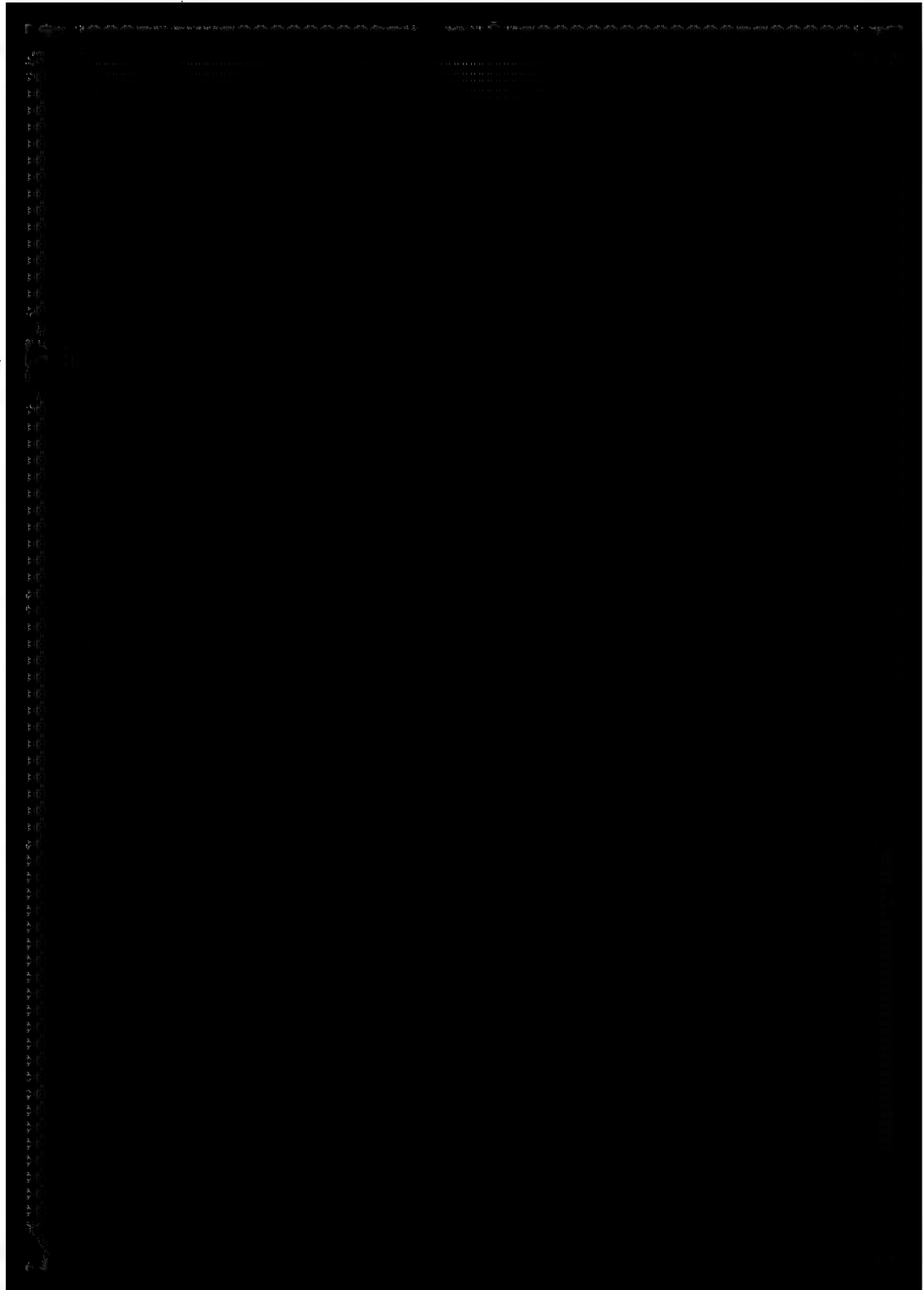
There is no statute, Executive order, or Agency regulation that, per se, requires CIA to report human rights violations to Congress. Executive Order 12333, Section 2.1, of December 4, 1981 states that intelligence activities are to be conducted in a "responsible manner that is consistent with the Constitution and applicable law and respectful of the principles upon which the United States was founded."



* This summary of statutory, regulatory and policy guidance relating to Agency obligations to notify the intelligence oversight committees of Congress has been prepared by the CIA Office of Inspector General.

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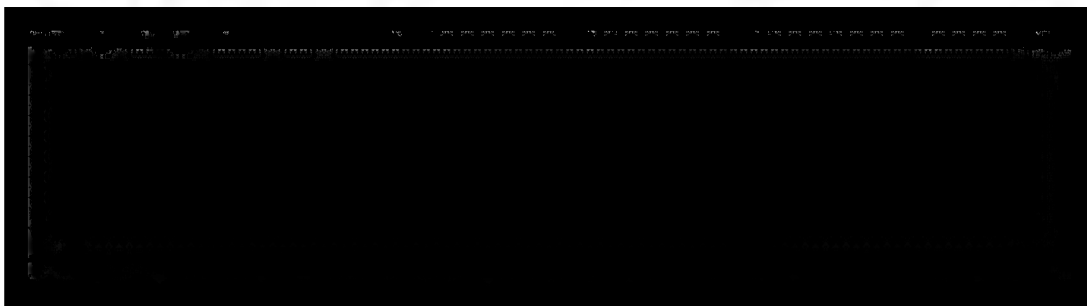
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EXHIBIT E: STATION OBLIGATIONS TO THE AMBASSADOR

Summary. The legal framework for the relationship between the Agency Chief of Station (COS) and the Ambassador derives from the National Security Act of 1947, the Foreign Service Act of 1980 (hereinafter 22 U.S.C. § 3927(a), National Security Council Intelligence Directive (NSCID) No. 5, and Director of Central Intelligence Directive (DCID) 5/1. Other key policy documents include Executive Order 12333 of December 4, 1981, the 1977 State-CIA Agreement, and a series of presidential letters to Ambassadors. (See attached copy of September 16, 1994 letter from President Clinton to Chiefs of Mission).

In sum, these documents provide that the Ambassador should be kept apprised of station activities and make it clear that the Ambassador may disapprove and delay an activity until the issue is adjudicated in Washington. The documents also make clear, however, that Ambassadors should be concerned with the overall impact of CIA operations in their country of assignment, not specific operational details.

Some general principles by which a COS may strike an appropriate balance between the Ambassador's need for information and the COS's obligation to protect sources and methods have emerged from these documents and practical experience. For example, a COS is expected to keep the Ambassador fully and currently informed about



This summary of requirements for providing information to Ambassadors has been prepared by the CIA Office of Inspector General.

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Chief of Mission Statutory Duties. 22 U.S.C. § 3927(a) establishes the statutory duties of the Chief of Mission:

"Under the direction of the President, the chief of mission to a foreign country:

(1) shall have full responsibility for the direction, coordination, and supervision of all Government executive branch employees in that country (except for employees under the command of a United States area military commander); and

(2) shall keep fully and currently informed with respect to all activities and operations of the Government within that country, and shall insure that all Government executive branch employees (except for employees under the command of a United States area military commander) comply fully with all applicable directives of the chief of mission.

22 U.S.C. § 3927(b) imposes a corresponding duty on executive branch agencies to keep the chief of mission fully and currently informed:

Any executive branch agency having employees in a foreign country shall keep the chief of mission to that country fully and currently informed with respect to all activities and operations of its employees in that country, and shall insure that all of its employees in that country (except for employees under the command of a United States area military commander) comply fully with all applicable directives of the chief of mission.

COS Authorities. As the Director of Central Intelligence (DCI) representative, a COS derives authority to conduct intelligence activities from the National Security Act of 1947. The DCI is responsible under the National Security Act for establishing requirements and priorities that govern the collection of national intelligence by elements of the intelligence community. The DCI is charged under 50 U.S.C. § 403-3(c)(5) with the responsibility to protect intelligence sources and methods from unauthorized

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disclosure. It is this statutory responsibility to protect sources and methods that can become a source of possible tension between the COS and a Chief of Mission's statutory duty to remain fully and currently informed of CIA's activities in a foreign country.

Such conflicts were addressed in the 1977 CIA/State Department Agreement, approved by the President, that explains the authorities and responsibilities of a Chief of Mission and a COS and provides a framework for cooperation between the COS and Chief of Mission. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] Periodic CIA and State Department messages to the field have reinforced this agreement.

Executive Order 12333. Executive Order 12333 emphasizes the importance of the effective conduct of U.S. intelligence activities to

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ensure the acquisition of timely and accurate information about the activities, capabilities, plans, and intentions of foreign powers, organizations, persons and their agents. It requires all U.S. Government departments and agencies to cooperate fully to fulfill the goal of providing the President and NSC with the necessary information on which to base decisions concerning the conduct and development of foreign, defense and economic policy, and the protection of U.S. national interests from foreign security threats. Thus, the Executive Order implicitly contemplates cooperation between the COS and Chief of Mission.



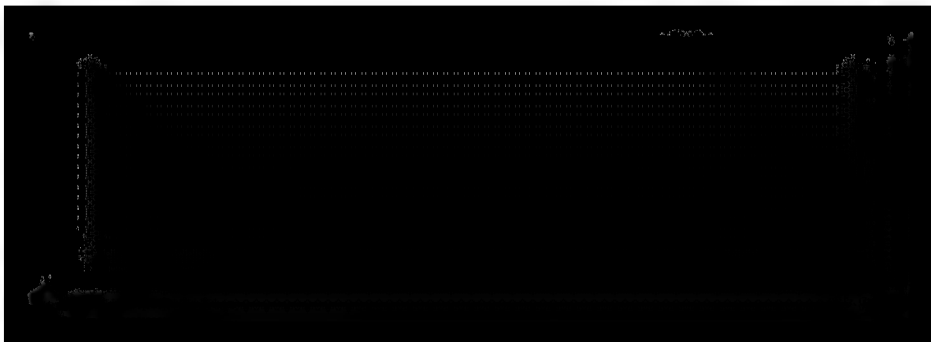
National Security Council Intelligence Directive No. 5, U.S. Espionage and Counterintelligence Activities Abroad, February 17, 1972 (NSCID No. 5). NSCID No. 5 is an NSC directive concerning the conduct of U.S. intelligence activities. Under this directive, the DCI is responsible for ensuring centralized direction through prior, comprehensive and continuing coordination of all authorized clandestine activities, including the coordination of clandestine activities with overt collection abroad.

Under NSCID No. 5, the CIA has primary responsibility for U.S. Government clandestine activities abroad, including the conduct of espionage outside the U.S. Other Executive branch agencies are required to assist the CIA in its conduct of espionage by providing collection requirements and assessments of the value of collected

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information. The DCI is responsible for ensuring that the senior U.S. representative in a foreign area is appropriately advised on a timely basis of U.S. espionage activities conducted in or affecting the area.



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PRESIDENT CLINTON
LETTER OF INSTRUCTION TO CHIEFS OF MISSION
September 16, 1994

Dear Mr./Madam Ambassador:

Please accept my best wishes and appreciation for your efforts as my personal representative to (country/international organization).

We are at a moment of unique historic opportunity for the United States and the world. With the end of the Cold War, we are entering an era so new that it has yet to acquire a name. Our task as a Nation, and yours as Chief of the United States Mission, is to ensure that this new era is one conducive to American prosperity, to American security, and to the values America seeks to exemplify. To accomplish this task I need your full support for the three goals of my foreign policy that aim to keep our Nation strong at home and abroad: renewing and adapting America's security alliances and structures; rebuilding and revitalizing the American economy; and promoting democracy, human rights, and sustainable development.

You should give special attention in the security realm to halting arms proliferation, preventing, resolving, and containing conflict, and to countering terrorism and international crime; and in the economic arena, to opening and expanding markets for America's exports. No country can be exempt from upholding the basic principles in the Universal Declaration of Human Rights; all should understand that shared democratic values are the most reliable foundation for good relations with the United States. Finally, I will need your help as my Administration seeks to promote international cooperation to address global problems including the environment and population, narcotics production and trafficking, refugees, migration, and humanitarian assistance.

Achieving these goals will demand a dynamic diplomacy that harnesses change in the service of our national interests and values. It will require us to meet threats to our security and practice preventive diplomacy, to anticipate threats to our interests and to peace in the world before they become crises and drain our human and material resources in wasteful ways. I have asked you to represent the United States in (country)/at (international organization) because I am confident that you possess the skills, dedication, and experience necessary to meet the many challenges that this new and complex era presents. This letter outlines your principal authorities and responsibilities. I have informed all department and agency heads of these instructions, and I know you will receive their full support.

I charge you to exercise your authority with wisdom, justice, and imagination. Dramatic change abroad and austerity here at home have put a premium on leadership and teamwork. Careful stewardship of your mission's resources stands in the forefront of your responsibilities. I urge you to see budgetary stringency not as a hardship to be endured but as an incentive to innovation.

As my representative, you, with the Secretary of State, assist me in the implementation of my constitutional responsibilities for the conduct of our relations with [country/international organization]. I charge you to exercise full responsibility for the direction, coordination, and supervision of all executive branch offices and personnel in [country]/at [international organization], except for personnel under the command of a U.S. area military commander, under another chief of mission in (country), or, on the staff of an international organization. This encompasses all: American and foreign national personnel, in all employment categories, whether direct hire or contract, full- or part-time, permanent or temporary.

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All executive branch personnel under your authority must keep you fully informed at all times of their current and planned activities so that you can effectively carry out your responsibility for U.S. Government programs and operations. You have the right to see all communications to or from Mission elements, however transmitted, except those specifically exempted by law or Executive decision.

As Commander in Chief, I retain authority over U.S. Armed Forces. On my behalf you have responsibility for the direction, coordination, supervision, and safety, including security from terrorism, of all Department of Defense personnel on official duty (in (country)/at (international organization)), except those personnel under the command of a U.S. area military commander. You and such commanders must keep each other currently informed and cooperate on all matters of mutual interest. Any differences that cannot be resolved in the field should be reported by you to the Secretary of State; area military commanders should report to the Secretary of Defense.

Every executive branch agency under your authority, including the Department of State, must obtain your approval to change the -size, composition, or mandate of its staff. Use this authority to reshape your Mission in ways that directly serve American interests and values. I ask that you review regularly programs, personnel, and funding levels, and ensure that all agencies attached to your Mission do likewise. Functions that can be performed by personnel based in the United States or at regional offices overseas should not be performed at post. In your review, seek guidance from the Secretary of State, who has the responsibility for establishing appropriate staffing levels. Given the restrictive resource environment in which we operate, I urge you to cooperate in every way you can with any downsizing efforts undertaken by other departments and agencies. If an agency head disagrees with you regarding staffing, he or she may inform the Secretary of State, to whom I have delegated responsibility for resolving such issues. In the event the Secretary is unable to resolve the dispute, the Secretary and the respective agency head will present their respective views to me, through my Assistant for National Security Affairs, for decision. In such instances, both the Secretary and I will uphold the party arguing for the best use of increasingly scarce resources.

The Secretary of State is my principal foreign policy adviser. Under my direction, he is, to the fullest extent provided by the law, responsible for the overall coordination and supervision of U.S. Government activities abroad. The only authorized channel for instructions to you is through him or from me. There are only two exceptions: (1) if I personally instruct you to use a private channel. (2) if the Secretary instructs you to use a non-State channel. The Secretary and I will look to you for your expert guidance and frank counsel. You should seek the same from your own staff. I urge you to foster a climate of openness, as debate and dissent serve a vital role in policy-making. Ultimately, there can be only one U.S. policy, which I expect you and all members of your mission to follow and articulate. But by having a frank internal debate, we are better able to speak to others with one voice regarding U.S. foreign policy.

The Secretary of State and, by extension, chiefs of mission abroad must protect all U.S. Government personnel on official duty abroad (other than those personnel under the command of a U.S. area military commander) and their accompanying dependents. I expect you to take direct responsibility for the security of your Mission. I also expect you to support strongly appropriate counterintelligence and counterterrorism activities that enhance security both locally and in the broader international context.

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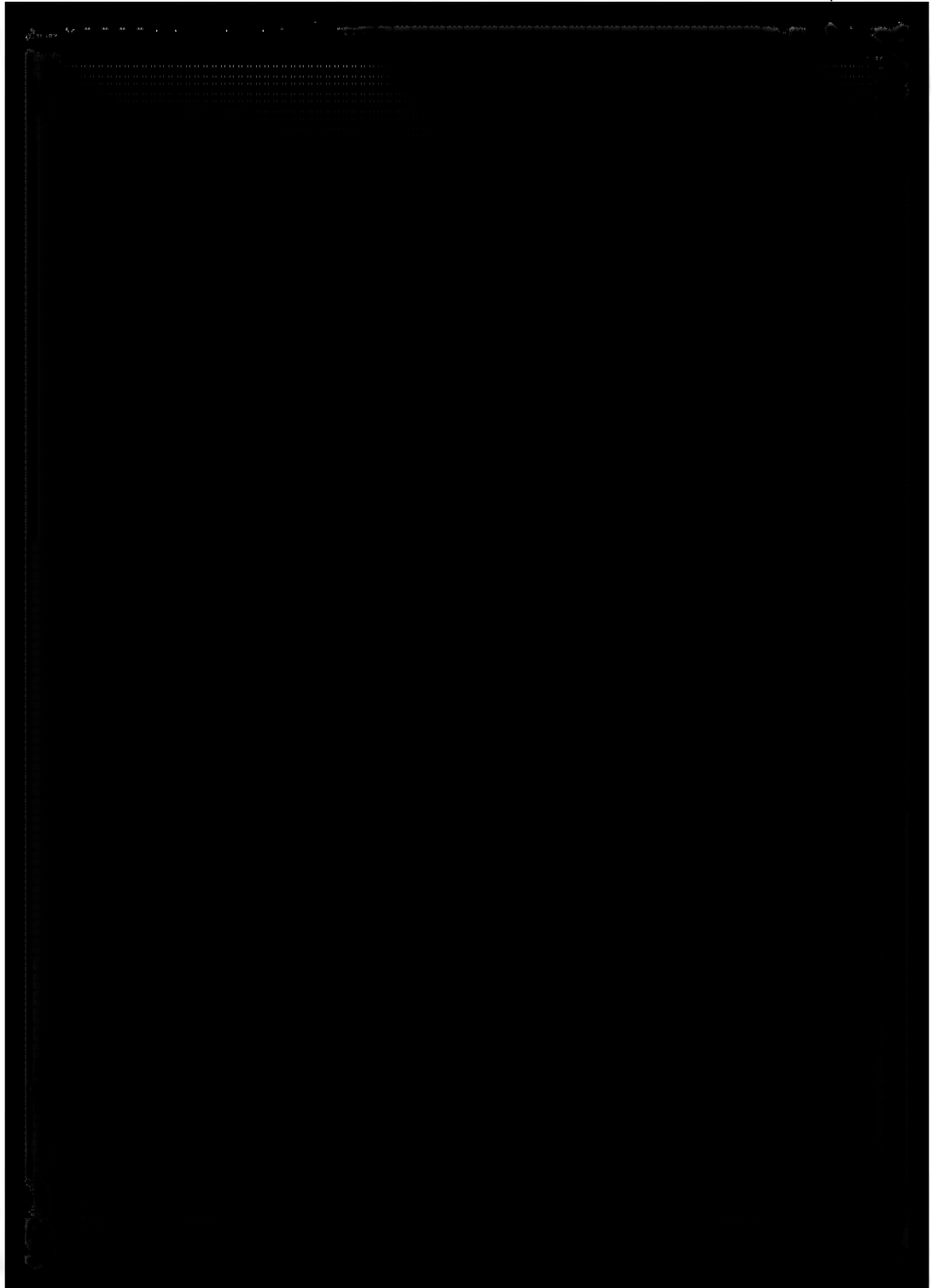
You should cooperate fully with personnel of the U.S. legislative and judicial branches in (country)/at (international organization) so that U.S. foreign policy goals are advanced, security is maintained, and executive, legislative, and judicial responsibilities are carried out.

As Chief of Mission you are not only my representative in (country/international organization) but a servant of the people of our Nation. This is both a high honor and a great responsibility. I expect you to discharge this trust with professional excellence, the highest standards of ethical conduct, and diplomatic discretion. I ask you to ensure that your staff similarly adheres to the same strict standards and maintains our shared commitment to equal opportunity. I urge you in particular to see that discrimination or harassment of any kind find no acceptance at your Mission, just as they have no place in American society.

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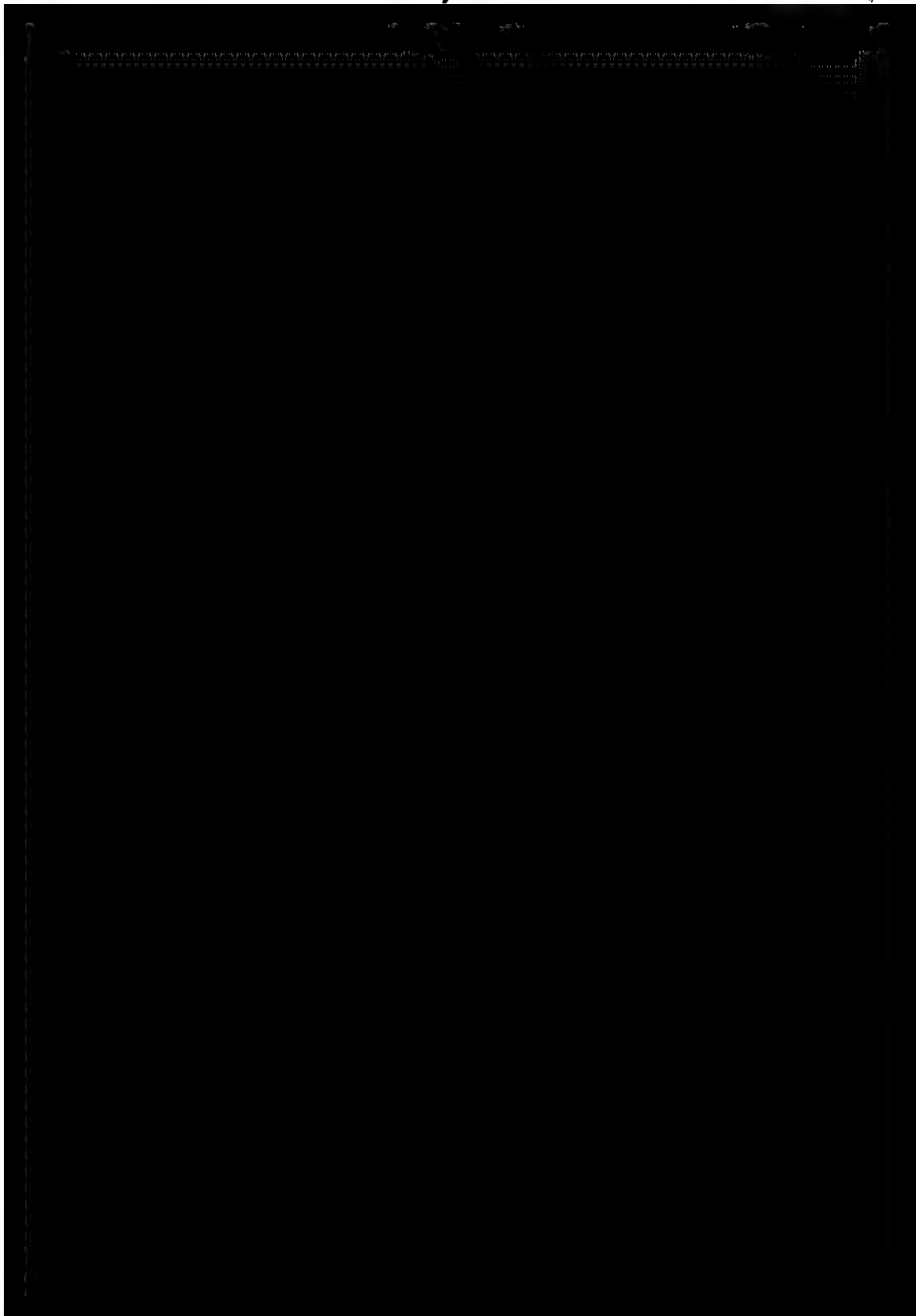
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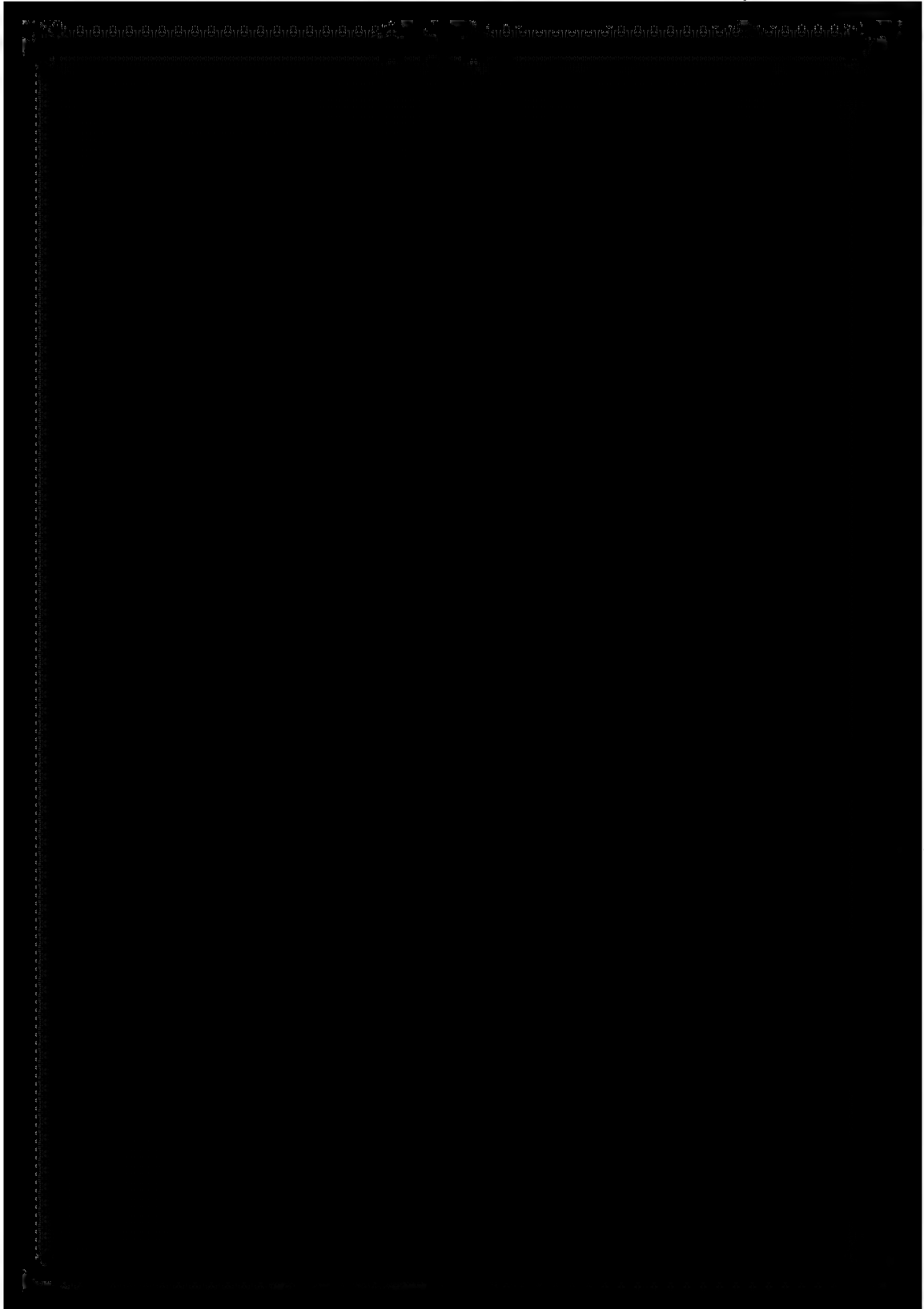
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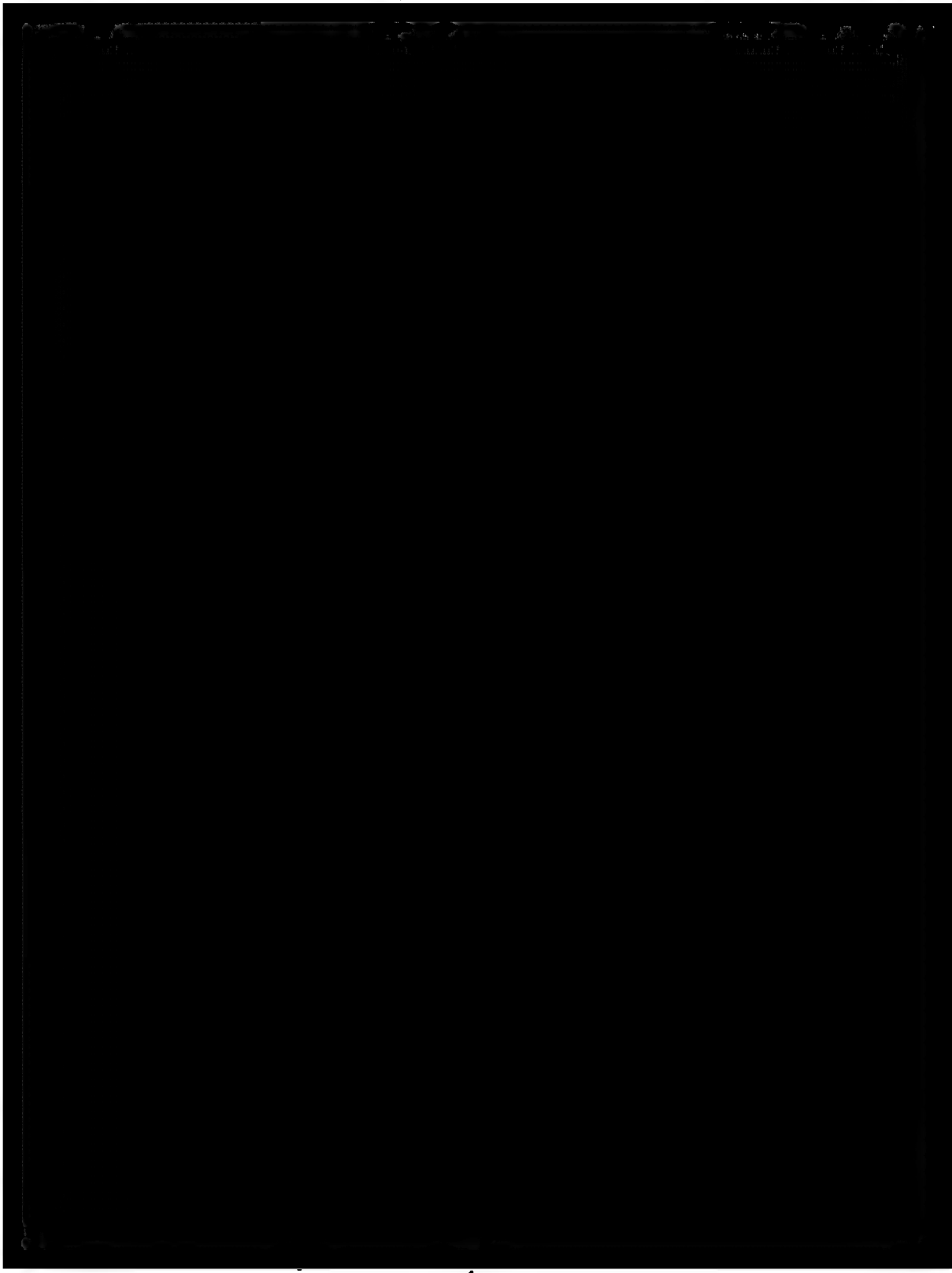
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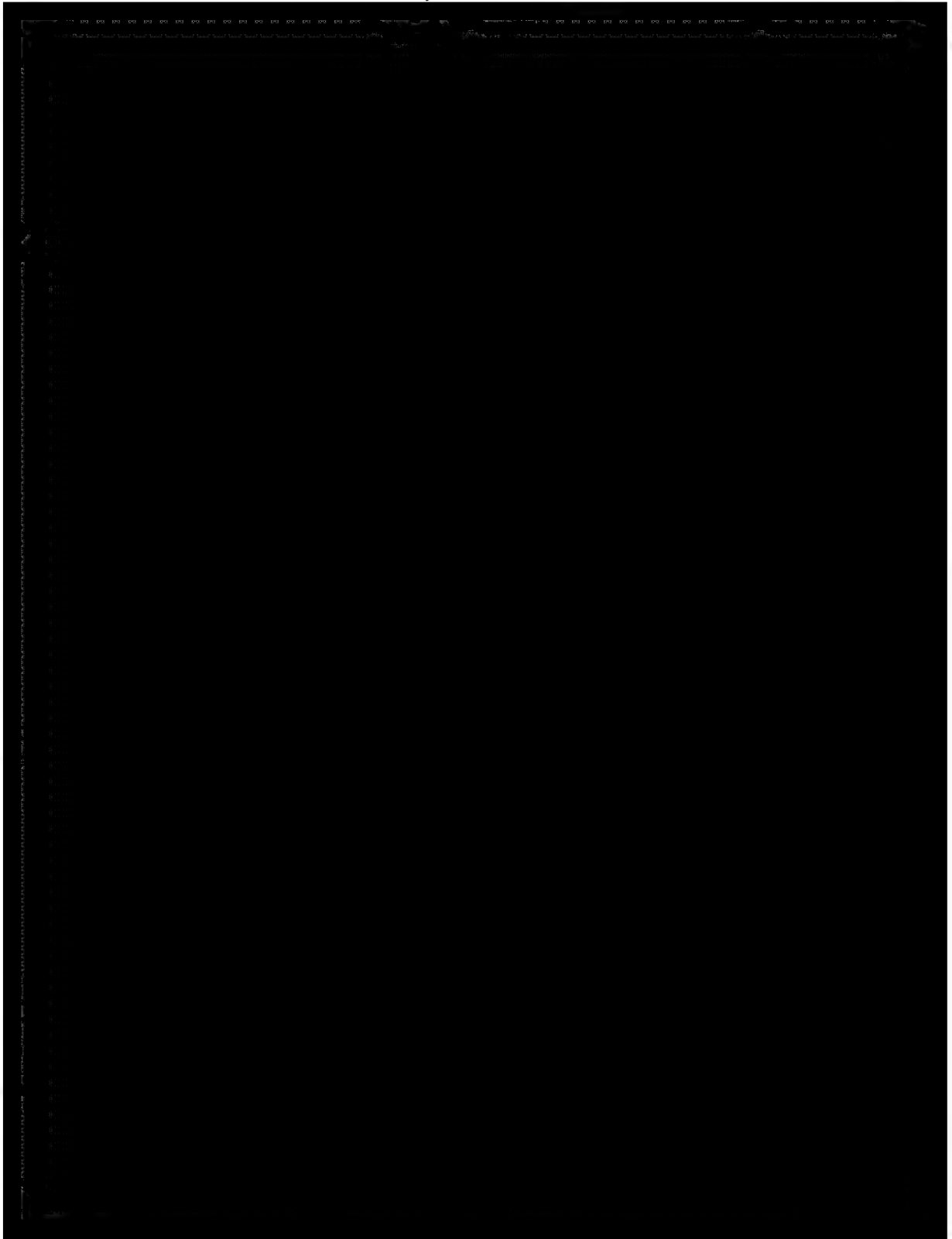
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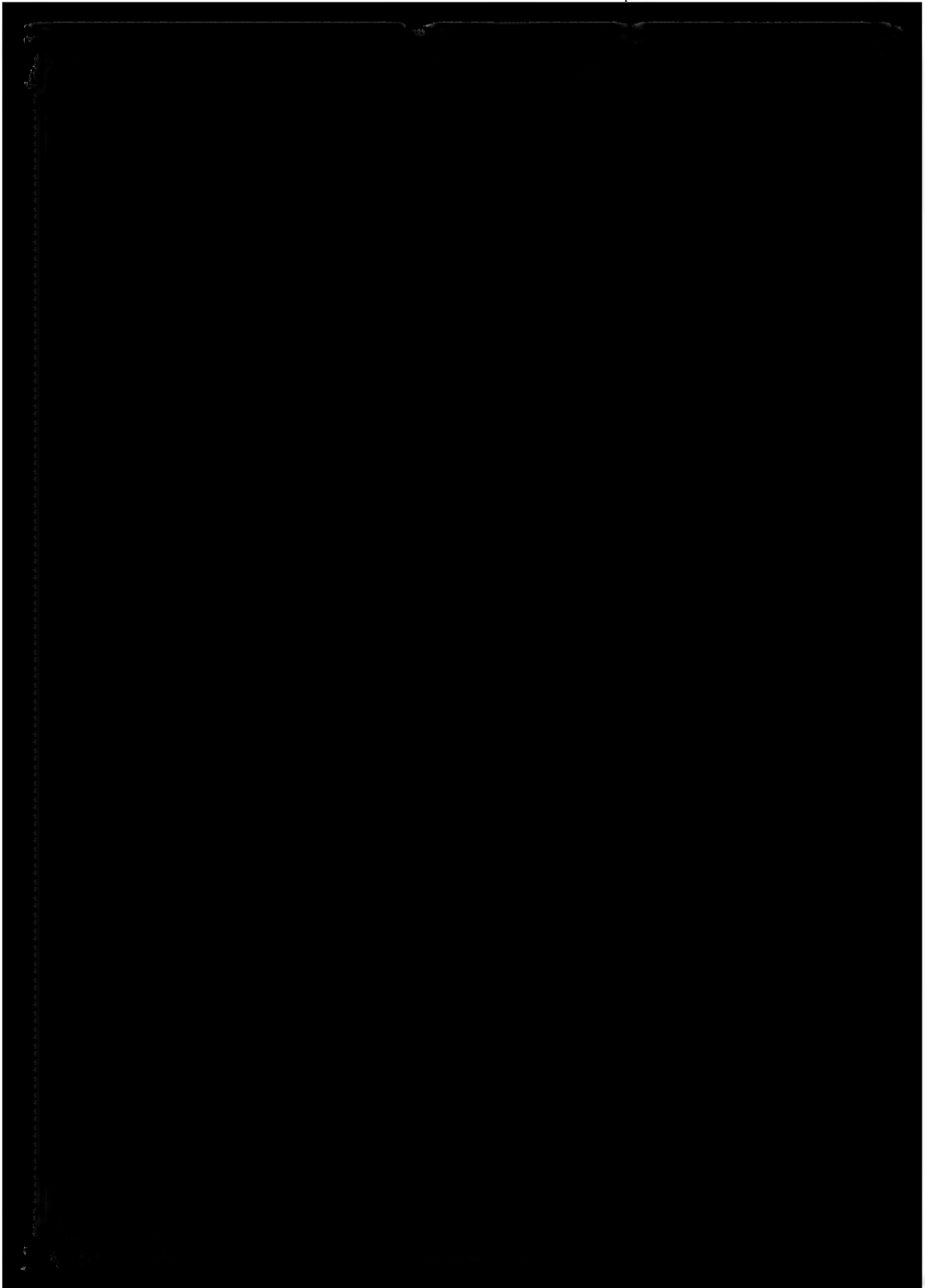
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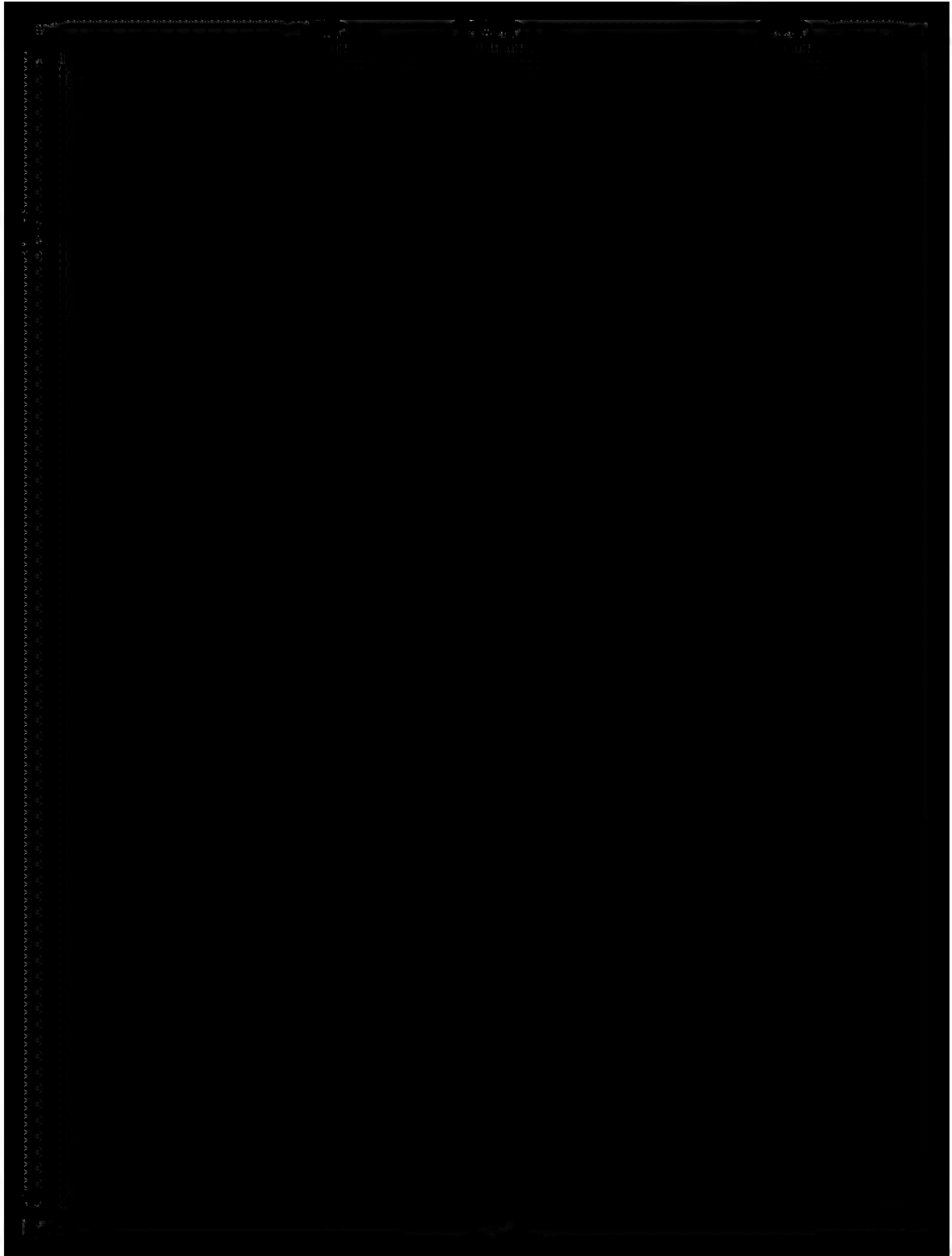
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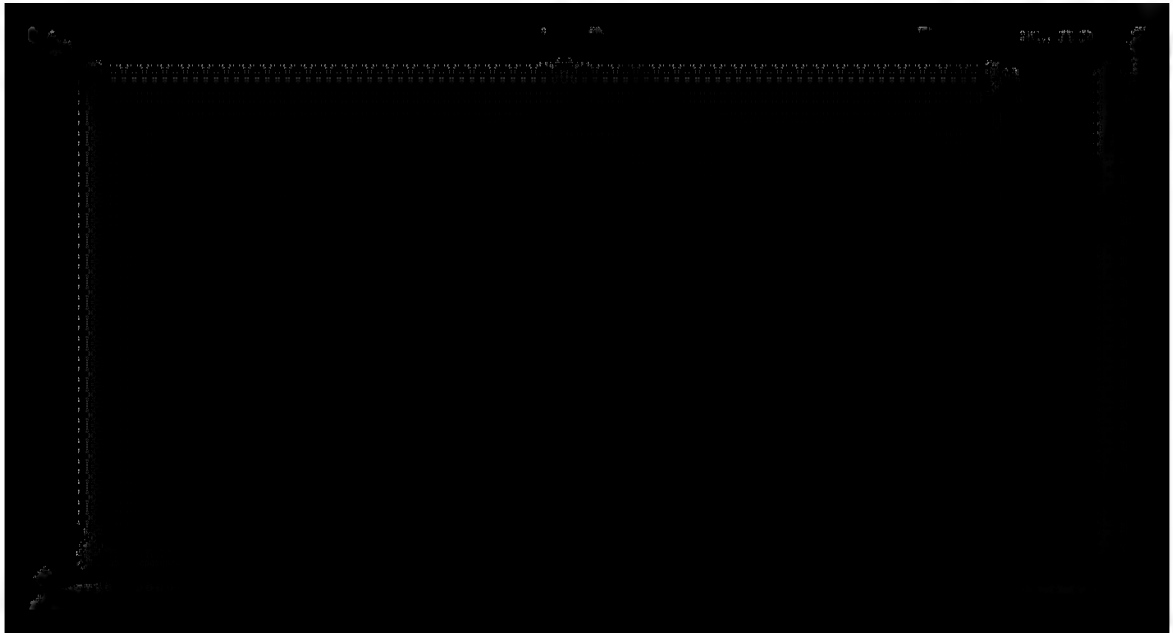
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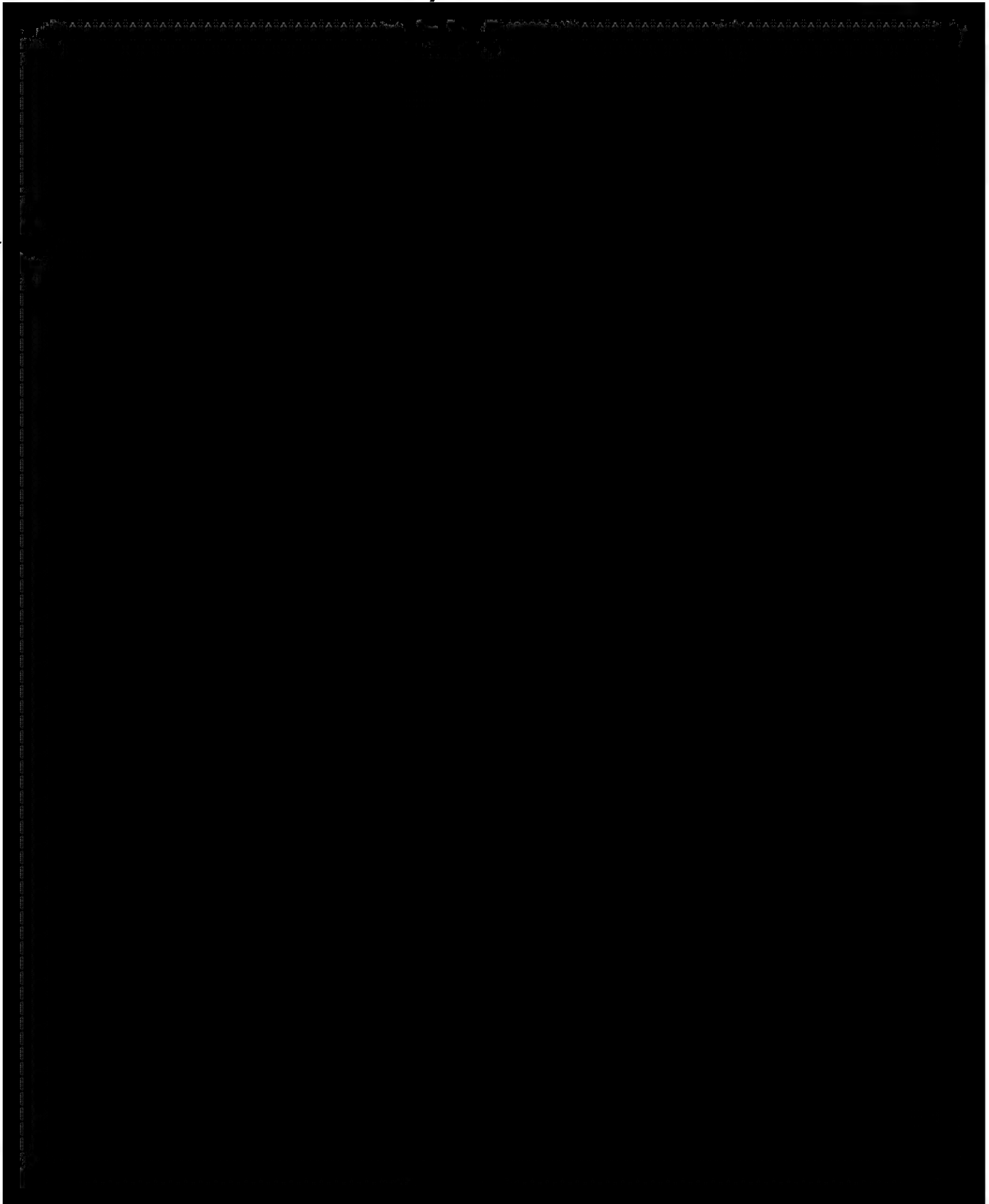
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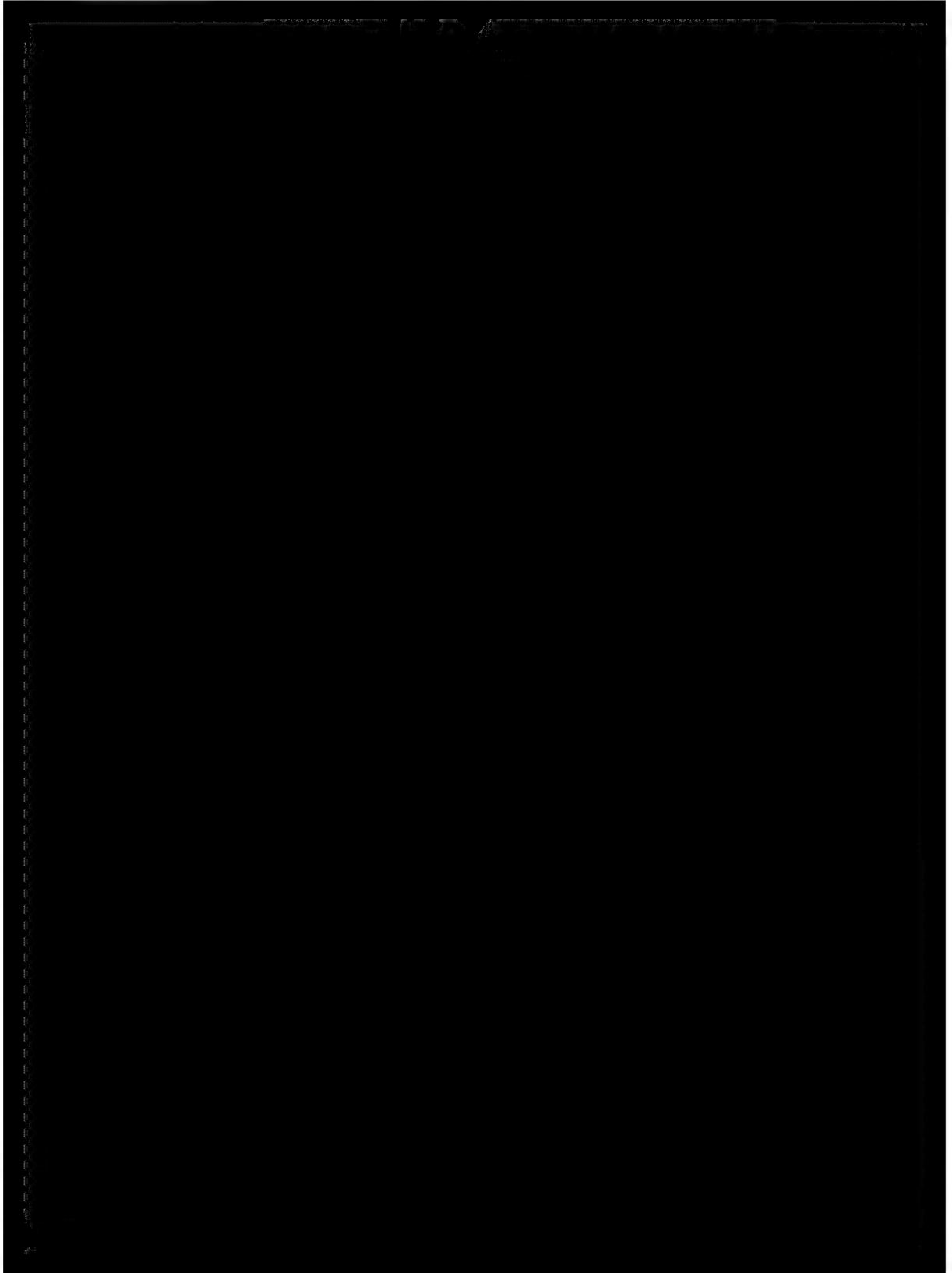
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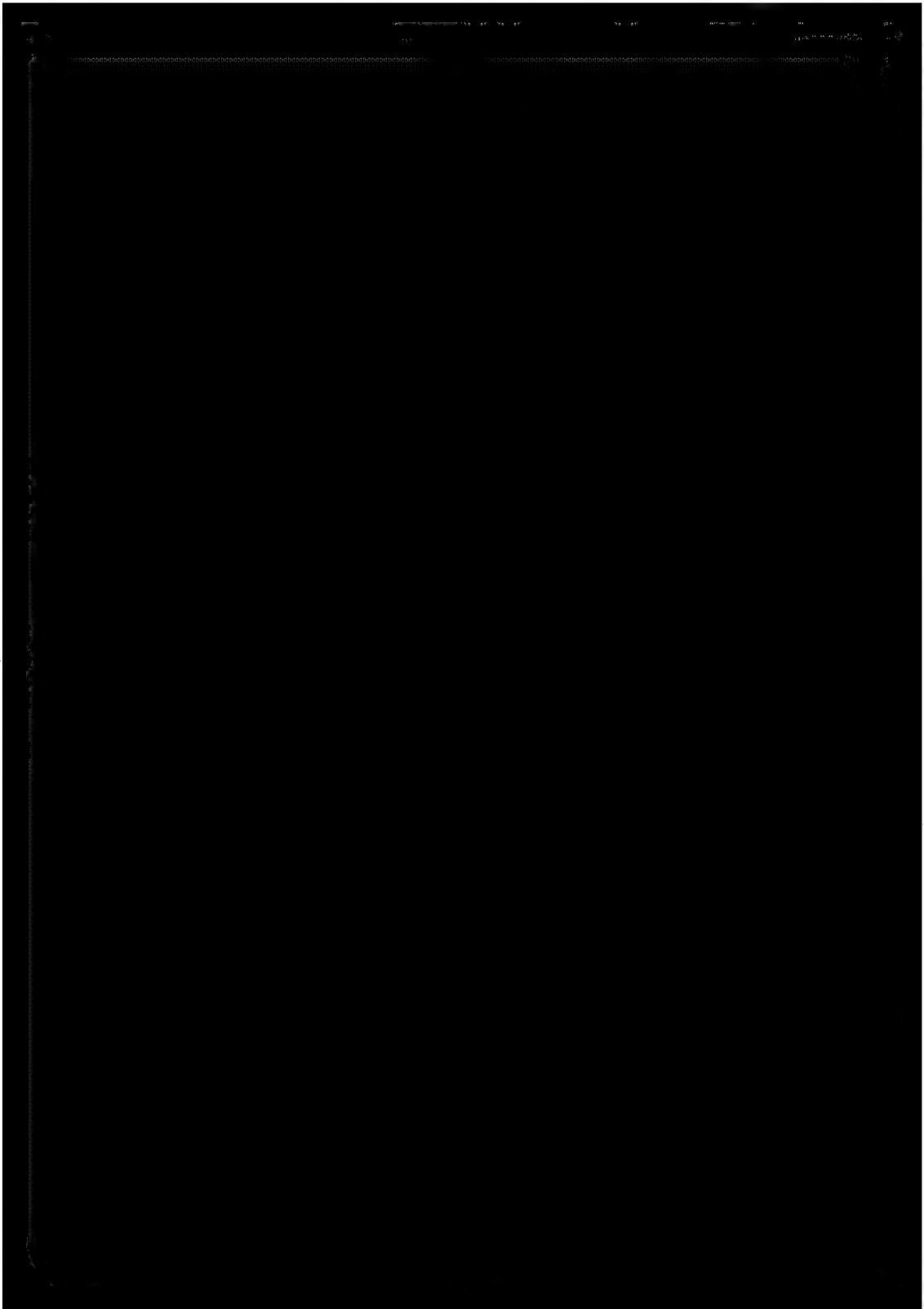
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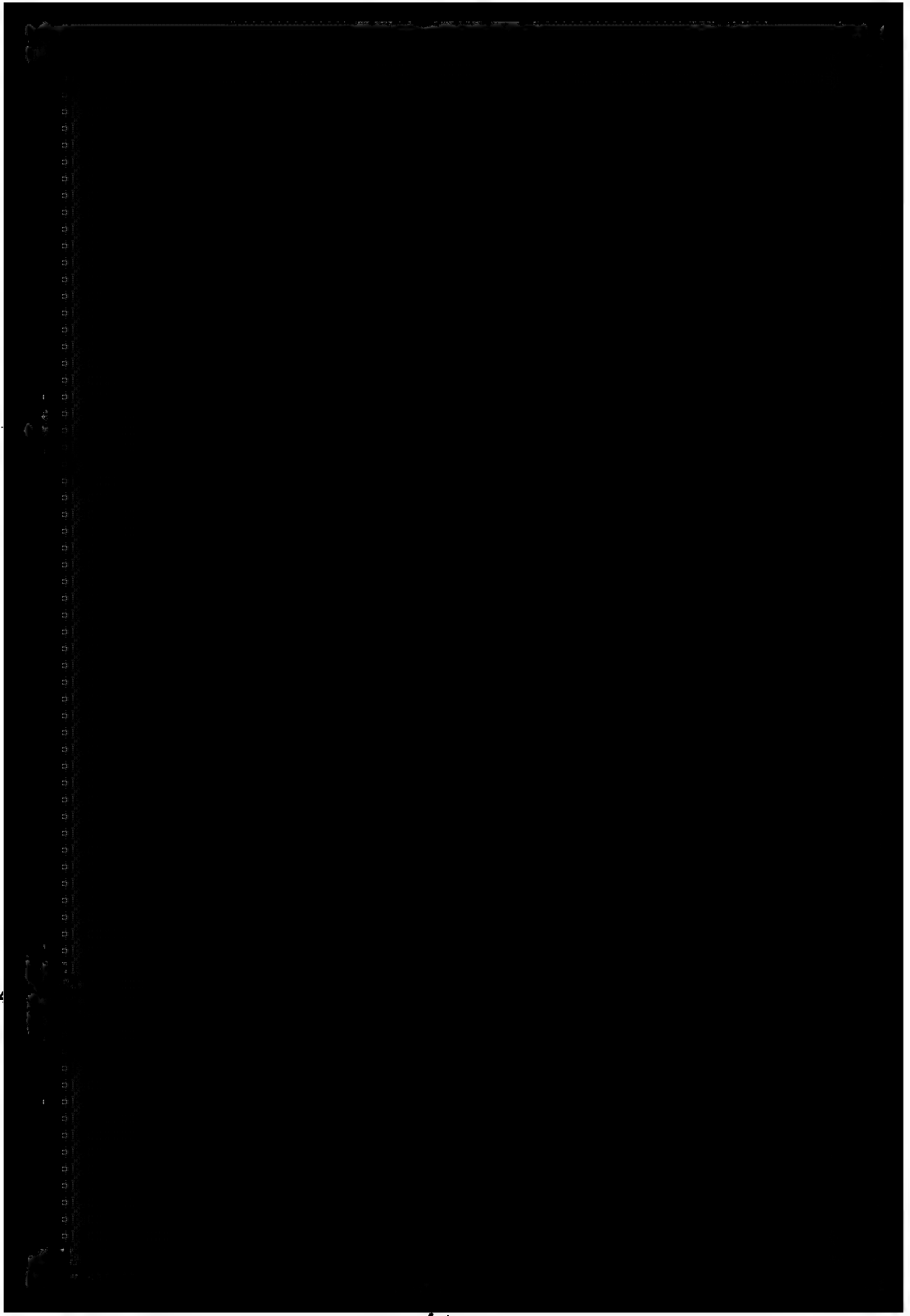
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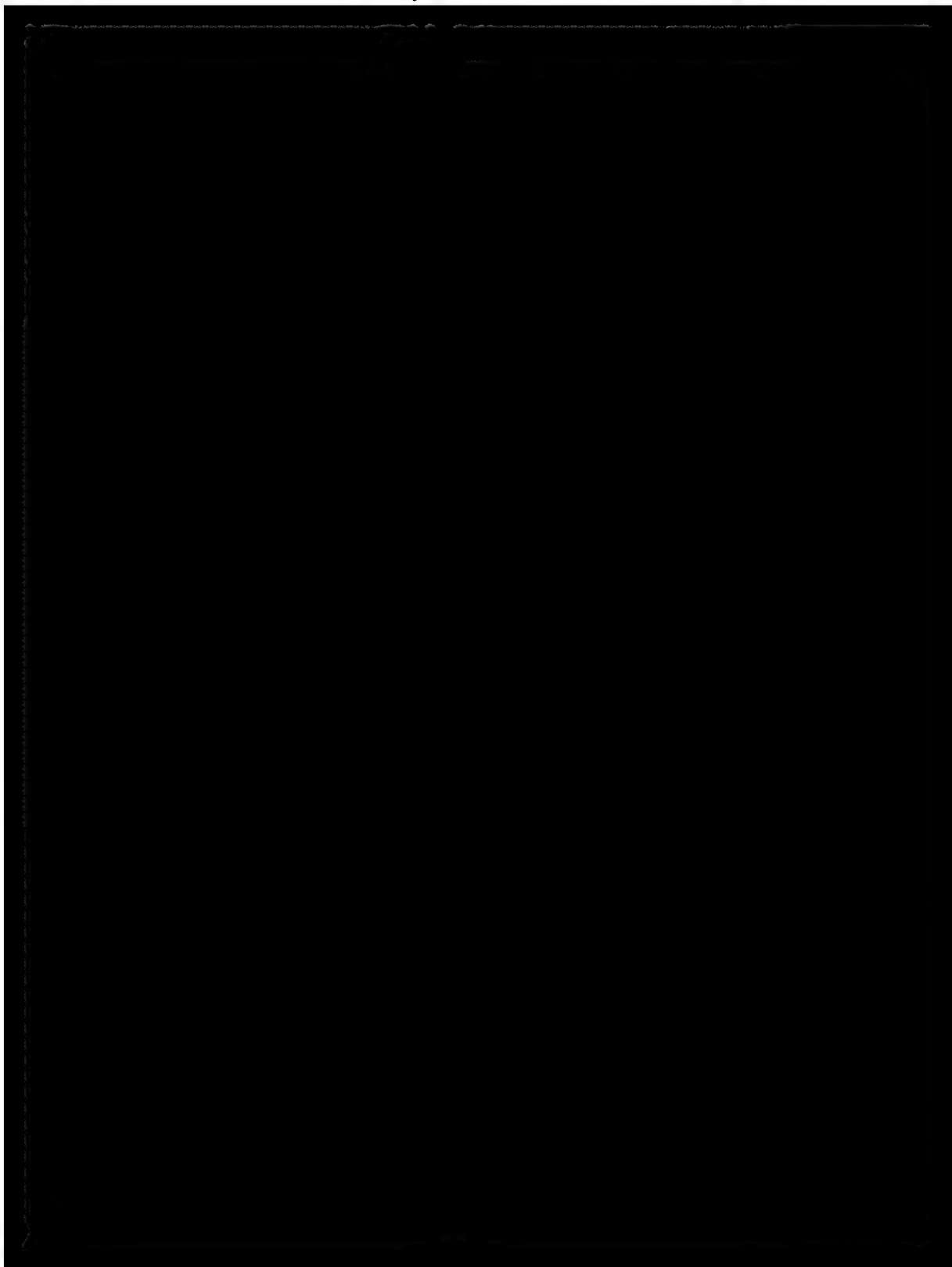
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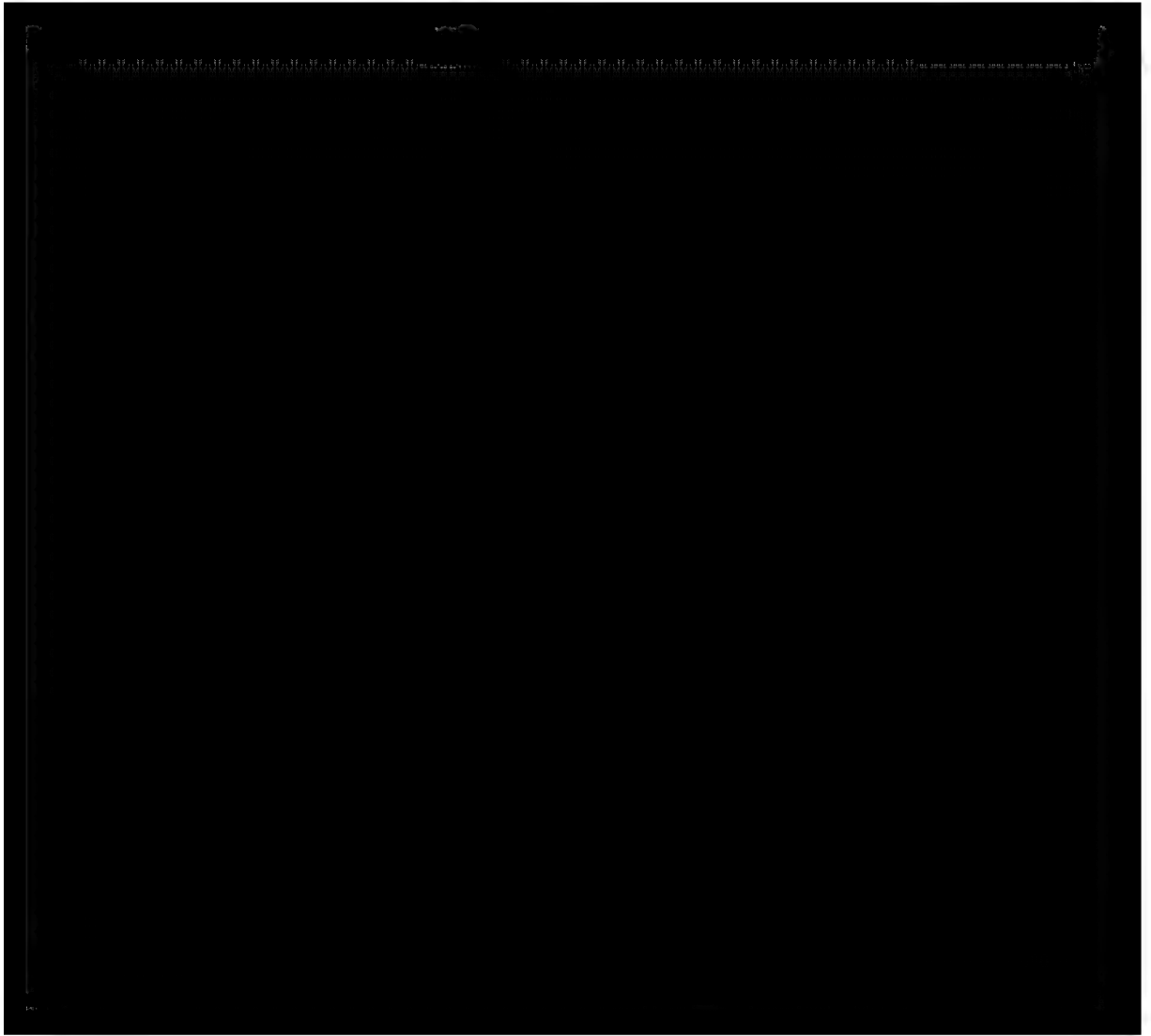
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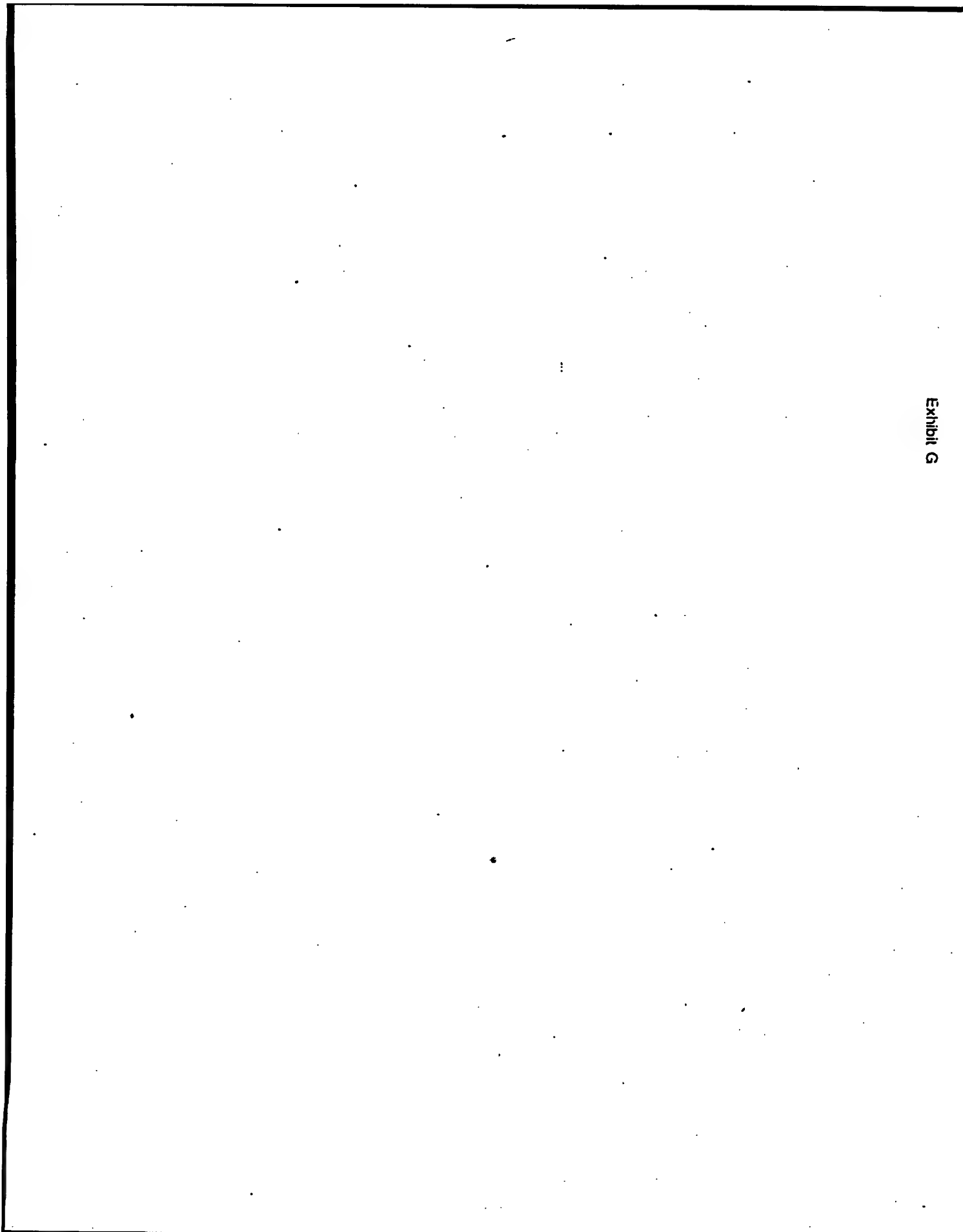


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EXHIBIT G:
PASSAGE OF INTELLIGENCE, OR OTHER INFORMATION,
TO PRIVATE CITIZENS

The statutes, regulations and procedures pertaining to the passage of information to private citizens, by CIA, are quite specific and narrow. There is no statute, Executive order or Agency regulation that requires relevant intelligence information be disclosed to families of U.S. citizens, or others, who are murdered, captured or imprisoned, or are missing in a foreign country. Indirectly, under the Freedom of Information Act and the Privacy Act, the Agency must provide information to private individuals, upon request, but in each case the DCI's responsibility in the National Security Act of 1947 to protect intelligence sources and methods is recognized as an appropriate basis for withholding information.

A number of Executive orders and Agency regulations deal with disclosure of information generally. For example, Executive Order 12333 (U.S. Intelligence Activities) provides guidance for CIA activities and limits the collection, retention and dissemination of information about U.S. persons to authorized foreign intelligence purposes. Executive Order 12958 (Classified National Security Information) prescribes a uniform system for classifying, declassifying and safeguarding national security information, but does not require the dissemination of classified information to the public. The Executive order does require the declassification of certain information after prescribed intervals.

There are also a number of Agency regulations that address various issues related to the disclosure of information by CIA. For example, [REDACTED] and [REDACTED] make it clear that the Public Affairs Office is the Agency component responsible for releasing information to the public; [REDACTED] provides for the review of significant historical information with a view toward releasing it to the public;

This compilation of information relating to the sharing of intelligence information with private citizens has been prepared by the CIA Office of Inspector General.

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[REDACTED] provides for release of information to Congress, GAO, the Library of Congress, former employees, former Presidential Appointees and historical researchers. [REDACTED]

[REDACTED]

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*Central Intelligence Agency
Inspector General*

REPORT OF INVESTIGATION



GUATEMALA: VOLUME II
ALLEGED REMOVAL OF GUATEMALA DOCUMENTS
(95-0086-IG)

June 14, 1995

*Frederick P. Hitz
Inspector General*

*A. R. Cinquegrana
Deputy Inspector General
for Investigations*

Investigators:



All portions are
classified ~~SECRET~~

APPROVED FOR RELEASE
DATE: DEC 2001

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Copy 75 of 100



OFFICE OF INSPECTOR GENERAL
INVESTIGATIONS STAFF

REPORT OF INVESTIGATION
GUATEMALA
VOLUME II

ALLEGED REMOVAL OF GUATEMALA DOCUMENTS
(95-0086-IG)

June 14, 1995

INTRODUCTION

1. During a press conference on April 18, 1995, President William Clinton was asked the following question by a reporter:

Sir, there's something funny going on out at the CIA. I wonder just how many times you have looked into it and had a really good, honest briefing on it. But today we found out that they are taking their classified documents and sending them by mail to retired former CIA people. Now, this gets them out of the storehouse out there, and gets them into a private home where nobody could ever find them if they conducted a congressional investigation of CIA reports. Some of these are classified and some are not, but they have the names on them of the officers who worked on them, and they have mailed them back to the officers who worked on them. Why they're doing this, I don't know, but it sounds like they're trying to keep us from getting a chance at the records.

2. In a May 11, 1995, letter to the CIA Inspector General (IG), Anthony Harrington, Chairman of the Intelligence Oversight Board (IOB), related this allegation to the ongoing IOB investigation of claims that documents concerning U.S. intelligence activities in Guatemala had been destroyed by personnel assigned to the National Security Agency and the Department of the Army. Since the IOB was therefore interested

in obtaining any relevant facts concerning this matter, Harrington requested that the IG "conduct an expeditious review of this allegation and provide [the IOB] with any information available on the topic." On May 17, the IG initiated an investigation, the results of which are described in this Report.

SUMMARY

3. No evidence has been found of any effort by personnel of the Central Intelligence Agency to remove, dispose of, or destroy classified Agency documents to avoid a congressional or other investigation. The allegation may be attributable to the Agency's provision in March 1995 of copies of classified documents concerning Guatemala to former Directors of Central Intelligence (DCIs) for background purposes in order to assist them in responding accurately to inquiries from the media and, in the case of former Deputy Director of Central Intelligence (DDCI) Richard Kerr, because certain of the events in question occurred while he was Acting Director.

4. A package of documents including a chronology of events and four classified documents relating to the Agency's role in Guatemala was sent to the former DCIs by courier, registered mail, or, in the case of former President George Bush, facsimile. All of the former DCIs confirm that the only Agency documents they received were those sent for background relating to Guatemala. They also state that they have not been asked by anyone to store or conceal classified Agency documents for any reason.

5. The Agency, including the Office of Inspector General (OIG), has notified all employees of their obligations to safeguard and protect the integrity of all material maintained by the Agency on the subject of Guatemala. A focal point officer has been designated to maintain records that will ensure that complete and accurate responses are provided to official inquiries on this subject.

6. No evidence was found to indicate that anyone in the Agency has shredded, removed or destroyed classified documents, either originals or copies, in order to prevent their retrieval during an investigation of any type.

PROCEDURES AND RESOURCES

7. Interviews were conducted with then Acting Director of Public Affairs Allan (Vin) Swasey [REDACTED] of the Agency's Guatemala Working Group, [REDACTED] Chief of DCI Security; Executive Secretary [REDACTED] Chief of the Executive Director's (EXDIR) Staff [REDACTED] Special Assistant to the Deputy Director for Operations (DDO) [REDACTED] and then Acting DCI Admiral William Studeman. The following former DCIs were contacted by telephone or facsimile: Admiral Stansfield Turner, Judge William Webster, Dr. James Schlesinger, George Bush, Robert Gates, and James Woolsey. Former DDCI Richard Kerr also was contacted. The documents regarding Guatemala that were sent to the former DCIs and former DDCI Kerr were reviewed, as were an IG tasking memorandum and Employee Bulletins instructing employees as to how information regarding Guatemala is to be handled and maintained (Exhibit A).

QUESTIONS PRESENTED

8. This investigation addressed the following questions:

- ♦ Is there any indication that anyone in the Agency has sent classified documents relating to Guatemala to former Agency employees so that those documents would not be available to Investigators reviewing Agency activities in Guatemala? Was any basis found for such an allegation?

- ♦ Has the Agency taken appropriate steps to ensure that information of potential relevance to investigations of activities in Guatemala is being preserved and protected?
- ♦ Was there adequate control of storage and final disposition of classified materials provided to the former DCIs and DDCI Kerr?

FINDINGS

IS THERE ANY INDICATION THAT ANYONE IN THE AGENCY HAS SENT CLASSIFIED DOCUMENTS RELATING TO GUATEMALA TO FORMER AGENCY EMPLOYEES SO THAT THOSE DOCUMENTS WOULD NOT BE AVAILABLE TO INVESTIGATORS REVIEWING AGENCY ACTIVITIES IN GUATEMALA? WAS ANY BASIS FOUND FOR SUCH AN ALLEGATION?

9. On March 23, 1995, *The New York Times* (*Times*) printed an article that described allegations by Congressman Robert Torricelli that the Agency, through its involvement with Guatemalan Army Colonel Julio Roberto Alpirez, was linked to the death in Guatemala in 1990 of U.S. citizen Michael DeVine. This article generated, among other things, numerous meetings at which Agency officials discussed a variety of issues related to Guatemala. Several Agency officials recall one particular meeting, subsequent to the *Times* article, at which there was a discussion of the Torricelli allegations and mention of the fact that former DCIs were being asked for public comments on these issues. According to these officials, one attendee stated that former DCI William Colby had made a statement to the press that was inaccurate. During the discussion that ensued, the suggestion was made that the Agency provide background information to the former DCIs so that they would be able to respond in an informed manner when their views were solicited by the press.

10. Four of those present at this meeting, including then Acting DCI Admiral William Studeman, recall that Studeman directed that background information be provided to the former DCIs. According to Vin Swasey, then Acting Director of Public Affairs, the Admiral asked that Swasey coordinate the creation of a background information package, and personnel from the Directorate of Operations Latin America (LA) Division volunteered to assemble the relevant documents.

11. None of the officials could recall the exact date of this meeting, but it would have had to have occurred sometime between the March 23 *Times* article and March 29, when the first background package was presented to a former DCI.

12. The package that was created as a result (Exhibit B) consisted of copies—the originals apparently remain in Agency records—of six items:

1. CIA Press Statement on Deaths of Michael DeVine and Efrain Bamaca Velasquez (Unclassified)—a March 27, 1995 three-page draft that was never released to the press;

2. [REDACTED]
Julio Roberto Alpirez in connection with the Bamaca and DeVine cases (Secret)—a four-page document prepared by LA Division;

3. The DeVine Case: Additional Information on the Involvement of Guatemalan Military Officers in the Killing of U.S. Citizen Michael DeVine (Secret)—a four-page October 1991 memorandum signed by then DDO-Thomas Twetten and sent to [REDACTED]
[REDACTED]

4. A November 1991 formal crimes report to the Department of Justice signed by then-General Counsel Elizabeth Rindskopf (Secret);

5. Briefing of Deputy Assistant Attorney General (Secret)--a November 1991 two-page memorandum prepared by then-Assistant General Counsel [REDACTED] for Chief, LA Division; and

6. Guatemala: Chronology of the Bamaca Case (Secret)--a five-page Office of African and Latin American Analysis Intelligence Report, dated January 1995.

13. Six former DCIs (Turner, Webster, Schlesinger, Bush, Gates, Woolsey) and one former DDCI (Kerr) were sent copies of this package. Two other former DCIs, Richard Helms and William Colby, declined the offer of the package. Helms said that he did not need the package because he had already been briefed by the Agency, and Colby declined, saying he did not have a current security clearance. Former President Bush was among the six and received the same package, followed by a note from Swasey that explained the reason for its creation. This was because Bush had not been on the original list of former DCIs--perhaps because he was thought of as a former President rather than as a former DCI--who were to receive the package and was not alerted in advance, as were the others, to the Agency's intent at the time. (Exhibit C describes the means by which each recipient received the package.) All seven of the recipients were contacted and asked if they had received any additional documents and if they had been asked to store or hide documents for any purpose. All answered in the negative. All seven confirm that they received a package similar to that described. None recalls receiving additional documents then or at any other time.

14. Executive Registry records include the packages that were provided to, and returned by, the four former DCIs (Turner; Webster; Schlesinger; Woolsey) who reside in the Washington area. Each of these packages contains a receipt signed by the recipient former DCI. The Agency was informed by former President Bush that his package had

been shredded after his review. At this writing, Executive Registry has no record of the final disposition of the packages received by Gates and Kerr. Gates said he is "pretty sure" that Agency officers who visited him returned the package to the Agency, but there is no indication they did so. Kerr says he believes he destroyed what he received, and that he will ensure that this is the case.

15. Three senior Agency officials speculate that the provision of these background documents was the likely genesis of the allegation made at the President's press conference. DDCI Studeman states that he can think of no other Agency action that might have led to the allegation. However, he thought that basing such an allegation on the package prepared for the former DCIs was "quite a stretch."

HAS THE AGENCY TAKEN APPROPRIATE STEPS TO ENSURE THAT INFORMATION OF POTENTIAL RELEVANCE TO INVESTIGATIONS OF ACTIVITIES IN GUATEMALA IS BEING PRESERVED AND PROTECTED?

16. On March 29, 1995, Acting DCI Studeman received a letter from the Senate Select Committee on Intelligence that endorsed an IG investigation into a variety of Guatemala-related issues and requested that "all pertinent files be secured and that, when the Inspector General's report is completed, [CIA] provide the committee those files." An Employee Bulletin was issued by the Agency's EXDIR, Leo Hazlewood, on March 30, 1995 (Exhibit A) specifically instructing Agency employees to comply with a just-issued National Security Council directive to preserve any records that may contain any information relevant to the review of certain events in Guatemala. That bulletin also indicates that a "focal point" officer has been designated to coordinate the maintenance of records and responses to external inquiries dealing with the Guatemala issue. Further, a memorandum from the Inspector General on April 3, 1995 to key Agency officials asks that copies of all Agency information that may be relevant to a wide range of Guatemala-related issues be provided to the OIG (Exhibit A).

17. Chief of the EXDIR's Staff [REDACTED] is the senior Agency official assigned to oversee a process to ensure a coordinated Agency response to official requests for briefings, information, and documents

on Guatemala. According to [REDACTED] all requests are appropriately tasked and tracked, and responses are appropriately documented and catalogued. There is follow-up to ensure that all requests have been filled. His office receives copies of all requests for documents and the documents themselves, and these copies go into a data base in the Office of Congressional Affairs for retrieval as required.

18. No documentary or testimonial evidence has been found to indicate that any Agency records are being hidden, destroyed, or otherwise improperly disposed of in an effort to shield them from investigations relating to Guatemala. Responsible Agency officials can identify no activity, other than the effort to inform former DCIs, that could possibly have led to such an allegation. In fact, contrary to the suggestion by the reporter at President Clinton's press conference that the Agency was attempting to remove documents from potential retrieval and scrutiny, the information sent to the former DCIs generated seven *additional* copies of documents, the originals of which apparently remain available in the Agency.

WAS THERE ADEQUATE CONTROL OF STORAGE AND FINAL DISPOSITION OF CLASSIFIED MATERIALS PROVIDED TO THE FORMER DCIs AND DDCI KERR?

19. During the course of this investigation several concerns arose regarding the policies and procedures for provision of classified documents to the recipients in these circumstances. The concerns relate to proper clearances and storage and control of classified material. As with any employee, a senior official's clearance expires once that person leaves the Agency, unless maintained or required for other purposes. Of the former DCIs, only Colby refused to accept the offered documents, stating that he no longer had a clearance. No Agency official who was involved in the process argued that the former DCIs and DDCI Kerr should not have been allowed to view the classified documents or receive classified briefings, or pointed out that there is no mechanism in place to document a temporary or extended clearance. The lack of such a mechanism can likely be attributed to the fact that this is the first time senior officials have been provided classified material on such a scale.

20. Four of the seven recipients of this package were located in the Washington, D.C. area, and they received their packages via an Agency courier or security representative who waited while the documents were read and immediately returned them to the Agency. The three who were out of the area--Bush, Gates and Kerr--received their packages by registered mail or by facsimile, and they retained their packages until they were apparently either destroyed or returned to the Agency. The precise disposition of two of these packages remains uncertain. Although the question of adequate storage of classified material was asked prior to the transmission of the documents, it appears that no documents were stored in security approved safes. Although Gates and Kerr said they believed their copies were returned or destroyed, they could not be certain that the documents had been properly disposed of. The DCI security officer who faxed the documents to Bush, says the Secret Service officer who received them confirmed to him that they were shredded after Bush read them. The DCI Executive Registry, which controls materials that leave the Agency, has no record of the final disposition of these three packages.

CONCLUSIONS

21. No evidence has been found to indicate that Agency personnel are removing, hiding, shredding, or otherwise disposing of original classified documents relating to Guatemala to prevent their retrieval during an investigation.

22. There is no evidence to indicate that anyone in the Agency engaged in an activity to mail classified original documents to former Agency employees in order to conceal the documents from potential retrieval or scrutiny.

23. The activity most likely prompting the press conference allegation was the provision of the briefing package to the former DCIs.

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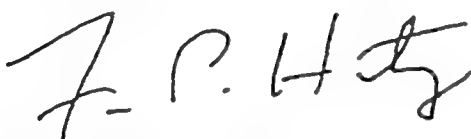
24. While no one questions the decision to provide classified background information to the former DCIs and DDCI Kerr, there was not adequate control of how classified material would be stored and either disposed of or returned to the Agency.

[REDACTED]
[REDACTED]
A. R. Cinquegrana
[REDACTED]

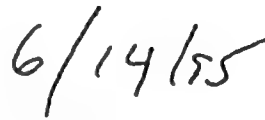
RECOMMENDATIONS

1. That the Office of Personnel Security (OPS) should develop a procedure to address the granting of clearances to former Directors of Central Intelligence (DCIs) or other former senior Agency officials, either on an ad hoc basis or for a determined period of time, so that each such clearance would be a matter of record.
2. That OPS should develop a procedure to ensure the proper storage and control of classified material that is provided to any former Agency officials.
3. That a copy of this Report go to the DCI and the Intelligence Oversight Board, and that the case be closed.

CONCUR:



Frederick P. Hitz
Inspector General



Date

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IG 95-0577
3 April 1995

MEMORANDUM FOR: Deputy Director for Administration
Deputy Director for Intelligence
Deputy Director for Operations
Deputy Director for Science & Technology
General Counsel
Director of Congressional Affairs
Director of Public Affairs
Executive Secretariat

FROM: Frederick P. Hitz
Inspector General

SUBJECT: Request for Documents Relating to
Guatemala and the Deaths of Michael Devine
and Efrain Bamaca Velasquez

REF: Memo for IG fr ADCI, dtd Feb. 3, 1995, Same
Subject (ER 0571-95)

1. I was asked by the Acting Director of Central Intelligence in January 1995 to investigate the relationship between the Agency and Guatemalan Army Colonel Julio Roberto Alpirez. In light of recent events, I have expanded that investigation to encompass CIA's knowledge of the deaths in Guatemala of Michael Devine and Efrain Bamaca Velasquez. In furtherance of these efforts, I request that you provide this Office with all information in your organizations that may be relevant to these issues as soon as possible, and, in any event, no later than close of business April 12, 1995. Please advise this Office in writing on that date of the status of your responses to this request.

2. Included in this request are:

a. Copies of all relevant internal and external documents concerning Alpirez, Devine, or Bamaca, including official and soft files, memoranda, taskings, notes, letters, correspondence, communications, cable traffic (including "ops traffic"), briefing books, calendars, personal notes;

b. All liaison, interaction and/or communication between this Agency, Department of Justice, the Federal Bureau of Investigation, Department of State,

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SUBJECT: Request for Documents Relating to Guatemala
and the Deaths of Michael Devine and Efrain Bamaca
Velasquez

Department of Defense, National Security Agency, other federal agencies, and Guatemalan governmental entities regarding Alpirez, Devine, and Bamaca; and

c. All relevant liaison, interaction or communication between CIA and the United States Senate and the United States House of Representatives, or any member or employee thereof.

3. The above listed categories of materials include all "RYBAT," "P&L," "RH," "bigoted," "codeword," "SI," "privacy channel," and any other limited distribution materials.

4. Documents responsive to this request are to be produced in their entirety as they appear in the relevant files without redaction or deletions of any kind and delivered to OIG/Investigations Staff, [REDACTED] as soon as possible. Marginalia should remain as it appears on the original documents.

5. I am aware that relevant components have been working with the Investigations Staff on the initial investigation and have been cooperating fully with the expanded inquiry. Several have already provided much information in response to these requirements and these responses are greatly appreciated. Components continue, however, to be responsible for satisfying this request insofar as additional information is or becomes available.

6. The IG investigation team also will be interviewing a number of Agency officers and others. Please ensure that those called upon to be interviewed are made available on a timely basis. To complete this investigation within a reasonable time, it may be necessary for the team to conduct interviews after regular hours and on Saturdays and Sundays. Employees should be made aware of these requirements.

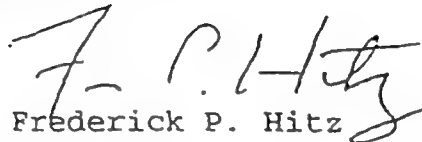
7. The requirements identified in this memorandum are continuing. Please ensure that the team is advised immediately of any new information that may be relevant to this investigation. If there is any doubt in that regard, components should err on the side of informing us and allowing us the opportunity to determine relevance.

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SUBJECT: Request for Documents Relating to Guatemala
and the Deaths of Michael Devine and Efrain Bamaca
Velasquez

8. The principal Office of Inspector General points of
contact for this investigation are Deputy Inspector General
for Investigations Rick Cinquegrana [REDACTED] and
Investigator [REDACTED].


Frederick P. Hitz

cc: Acting Director of Central Intelligence
Executive Director

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SUBJECT: Request for Documents Relating to Guatemala
and the Deaths of Michael Devine and Efrain Bamaca
Velasquez

OIG/ [REDACTED] Cinquegrana: [REDACTED]
April 3, 1995

Distribution:

Original - Addressees

1 - ADCI

1 - Executive Director

1 - IG Chrono

1 - [REDACTED]

1 - [REDACTED]

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EMPLOYEE



BULLETIN



ODDA EB No. 0011-95

30 March 1995

Preservation of Agency Records

The Agency has just received the following directive from the Executive Secretary of the National Security Council:

"In light of the Administration's ongoing review of the events surrounding the deaths of Michael Devine and Efraim Bacama in Guatemala, as well as any related matters, your agency, and all relevant subordinate components, are directed to preserve any agency records that may contain any information relevant to this review."

All Agency components will fully and completely adhere to this instruction.

To ensure the integrity of material maintained by the Agency on this issue, [REDACTED] of my staff has been designated the Agency focal point on records data and responses dealing with the Guatemala issue. In consultation with Directorate officials, [REDACTED] will be coordinating the maintenance of records and written responses to external inquiries. He can be reached on [REDACTED] secure. As needed, other Agency officials will be asked to prepare or contribute to individual Agency responses.



Leo Hazlewood
Executive Director

EMPLOYEE BULLETIN

ODDA

DA EB No. 0011-95
30 March 1995

PRESERVATION OF AGENCY RECORDS

The Agency has just received the following directive from the Executive Secretary of the National Security Council:

In light of the Administrations ongoing review of the events surrounding the deaths of Michael Devine and Efrain Bacama in Guatemala, as well as any related matters, your agency, and all relevant subordinate components, are directed to preserve any agency records that may contain any information relevant to this review.

All Agency components will fully and completely adhere to this instruction.

To ensure the integrity of material maintained by the Agency on this issue, [REDACTED] of my staff has been designated the Agency focal point on records data and responses dealing with the Guatemala issue. In consultation with Directorate officials, [REDACTED] will be coordinating the maintenance of records and written responses to external inquiries. He can be reached on [REDACTED] secure. As needed, other Agency officials will be asked to prepare or contribute to individual Agency responses.

Leo Hazlewood
Executive Director

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Office of the Director

The Executive Secretariat

[REDACTED]

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Attached is the package
PAS is sending to former
DCIs. Turner saw it
today (couriers waited while
he read it & then brought
the copy back) Webster
and Schlesinger are
scheduled to see it
tomorrow. Cobby said
he wasn't interested.

[REDACTED]

All covered
in ADCI's notebook.

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Office of the Director

The Executive Secretariat

4-19-95

Attached is a rundown
of Guatemala packages
sent to former DCIs.
All packages were identical
except AD/PAS added a
note to Bush's copy --
a copy is attached.



Friday, 31 March 1995

Note For: President George Bush

From: Vin Swasey, Acting Director, Public Affairs
Staff, Central Intelligence Agency

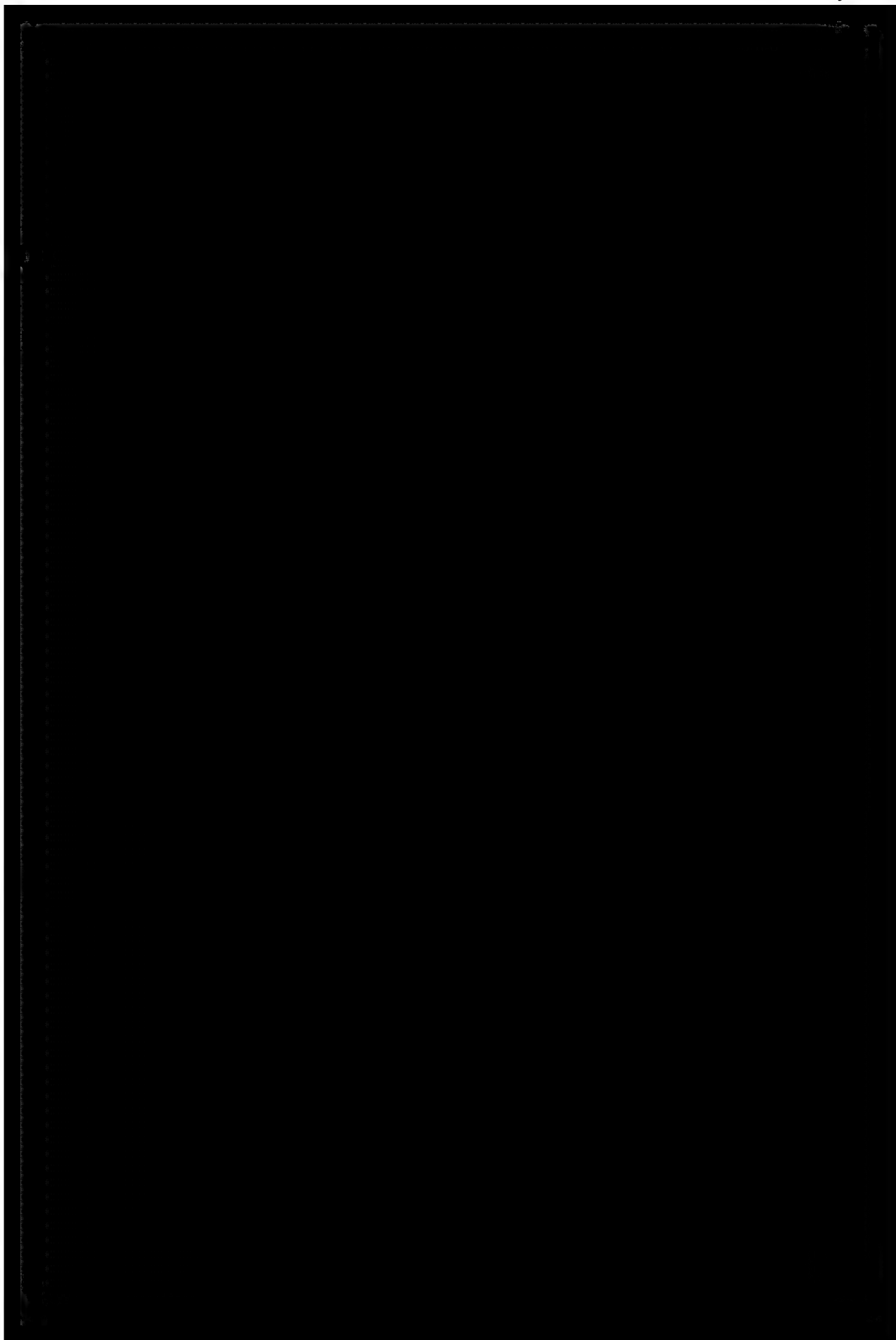
Subject: Background Information on the Guatemalan Story

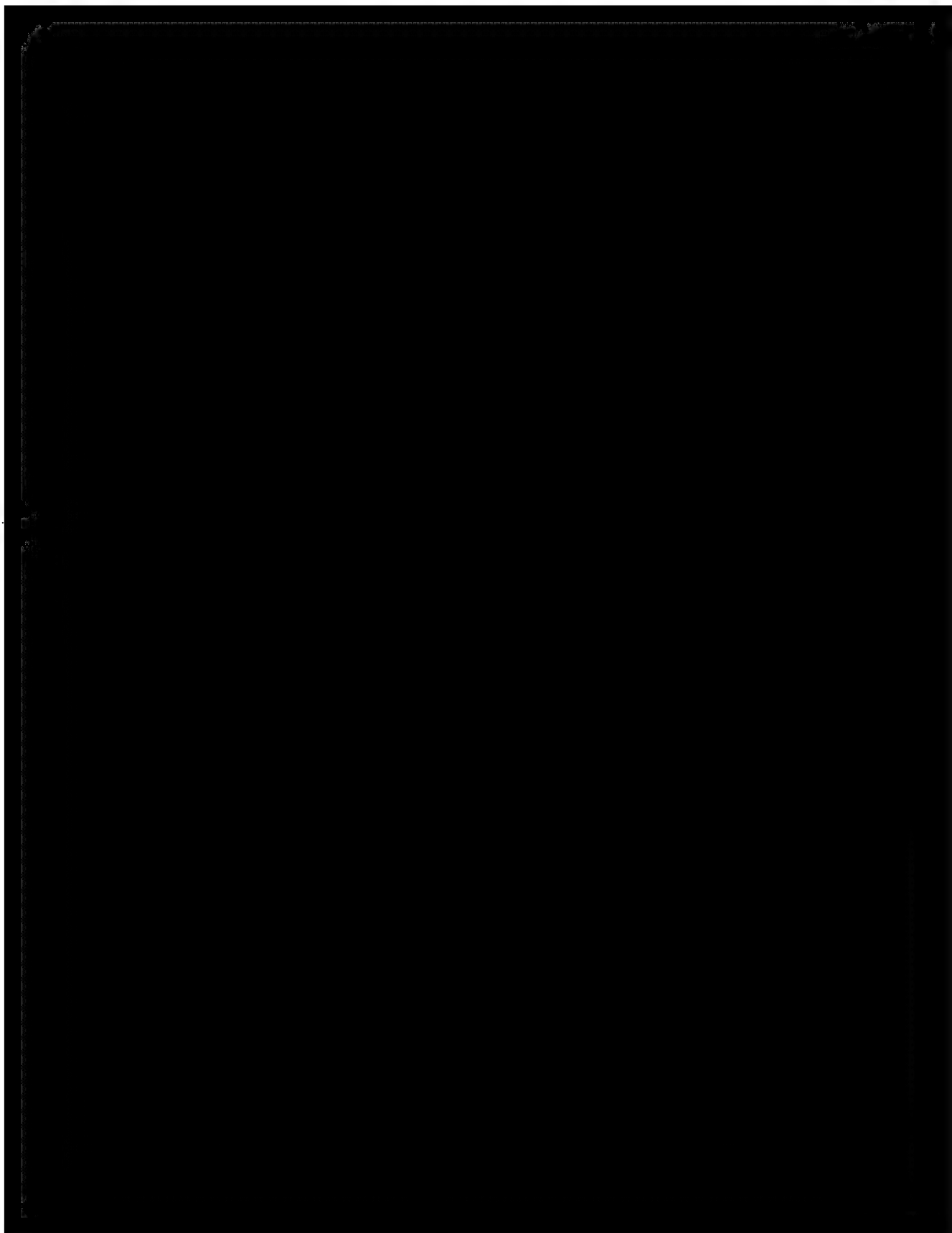
Admiral Studeman has requested that the attached information be sent to former Directors of Central Intelligence to provide a better understanding of the Agency's actions regarding the deaths of Michael Devine and Efrain Bamaca Valesquez. The unclassified press release (enclosed) has been put on hold, and should only be used as background information. It is based in large measure on the chronology prepared by the Directorate of Operations, also included in this package. To some extent the press release has been overtaken by events as Admiral Studeman will be testifying in open session before the Senate Select Committee on Intelligence this coming Wednesday, 5 April. He will no doubt draw heavily from this information.

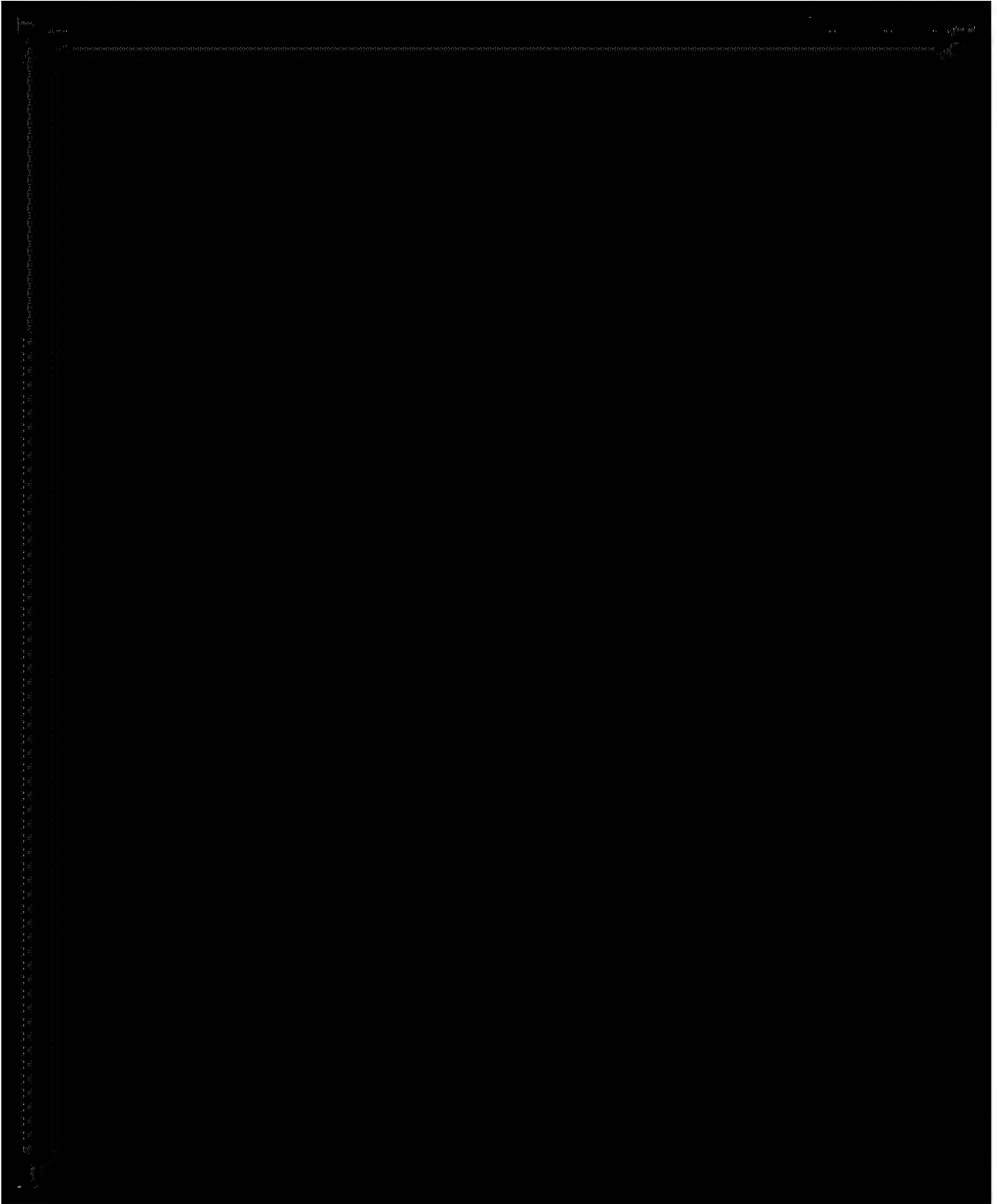
As you read through this package, I believe you will see that there is a wealth of misinformation in the media. The material should help put your mind somewhat at ease, though this will continue to be a very troubling issue for some time to come. If I can be of further assistance please call. I can be reached on [REDACTED]

Vin Swasey

Exhibit B







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[REDACTED] Julio Roberto
ALPIREZ in connection with the Bamaca and Devine cases

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] January 1989, Alpirez [REDACTED]
[REDACTED] attends the U.S. Army Command and
General Staff course at Ft. Benning, Georgia from late January to
mid-December 1989.

[REDACTED]

-- January 1990, [REDACTED]
[REDACTED] Alpirez is
assigned to command the Kaibil (Special Forces) school located at
a base at Poptun in the Peten.

--08 June 1990, US Citizen Michael Devine is found murdered near
his home in Peten Department.

[REDACTED]

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[REDACTED]

--25 September 1991, Alpirez is reassigned from the Peten to San Marcos, another remote command.

[REDACTED]

[REDACTED]

--30 October 1991, Memo Dissem on Alpirez involvement in Devine's murder disseminated to community.

[REDACTED]

[REDACTED]

--18 November 1991, Mark Richard, Deputy Assistant Attorney General for Criminal Division was briefed on the Alpirez involvement in the Devine murder by Latin America Division. Also at the briefing were CIA General Counsel and Deputy General Counsel. Mr. Richard advises that a review for Department of Justice (DOJ) jurisdiction in the matter would be conducted.

--19 November 1991, Letter from OGC to DOJ.

-- 12. March 1992, Efrain Bamaca, ORPA commandante captured in San Marcos' Department. Bamaca is in good condition, despite a light wound to the arm. [REDACTED] Bamaca disclosed information about Cuban weapons shipments and training for ORPA guerrillas.

[REDACTED]

[REDACTED]

[REDACTED]

-- mid-May 1993 [REDACTED] reported that unidentified [REDACTED] claimed the Army held members of the URNG in clandestine jails and coerced them to work against their former comrades. [REDACTED] reported believed the accounts of two former URNG members who testified they saw Bamaca alive inside a clandestine camp.

-- October 1993, former Army specialists Francisco Solobal and Tiburcio Hernandez, both serving a 30-year sentence for their role in the murder of Michael Devine, publicly claimed they had engaged in Army-run death squad activity and had information on clandestine cemeteries and jails.

-- mid-April 1994, [REDACTED] reported that [REDACTED] had [REDACTED] Bamaca after the guerrilla's capture. At that time, Bamaca was in good health. [REDACTED] claimed Bamaca was subsequently taken away by military intelligence officers from the Armed Forces General Staff. He claimed he never saw Bamaca again.

[REDACTED] Santiago Cabrera Lopez, a guerrilla who was in Army custody between March 1991 and December 1992 claimed that he saw Bamaca alive at MZ18 HQS (San Marcos) in July 1992 and that he was warned by Alpirez not to talk about what he had seen.

-- In late October 1994, [REDACTED] related a conversation he had with other [REDACTED] where Bamaca was captured in March 1992 and taken to a military camp in San Marcos. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] Bamaca had been slightly wounded and cooperated with his military intelligence (D-2) interrogators -- although information about arms caches later proved to be false. In April 1992, Bamaca reportedly was taken away in a D-2 helicopter and never seen by [REDACTED] again.

██████████ reported that a ██████████
 ██████████ Guatemalan ██████████ said that Bamaca had been captured
 alive in March 1992, but that he is now dead. The officer who
 reportedly took charge of the interrogations was Colonel Julio
 Roberto Alpirez, then-third commander of Military Zone 18. ██████████
 ██████████ offered no information on how Bamaca died. In late
 November 1994 an ██████████ said that Bamaca had been
 captured alive and believed he was still alive 4-5 weeks later.
 ██████████ subsequently lost track of the case, but
 believed Bamaca had been killed.

-- 6 December 1994 the ██████████ reported that ██████████
 ██████████ said that Guatemalan military personnel familiar
 with the Bamaca case noted that he had been captured alive, held
 and interrogated for about one month, but is now dead. The exact
 circumstances of his death are unknown. ██████████
 has no firsthand evidence to confirm Bamaca's death.

-- 13 January 1995, the Guatemalan Human Rights Ombudsman Office
 submitted its final report on the 30-day investigation into the
 Bamaca case. The Office concluded that Bamaca was not found to
 be detained by any Guatemalan officials or the security forces,
 but that it could not determine whether Bamaca was alive or dead.

-- 19 January 1995, a ██████████ review of the
 Guatemalan press in March 1992 revealed a number of articles
 about an encounter between the Army and ODDA guerrillas near
 Nuevo San Carlos on 12 March 1992 -- the incident which involved
 Bamaca. The articles refer to a guerrilla casualty left on the
 field, and one paper claims the "leader of the group" was killed.
 These press reports do not further identify the dead guerrilla.

-- On 25 January 1995, ██████████
 reported that a ██████████ Guatemalan ██████████ in early
 December learned from ██████████ that
 "it was known within the senior ranks of the Army" that Bamaca
 was killed by Colonel Julio Roberto Alpirez, third commander of
 Military Zone 18 (San Marcos). ██████████

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Central Intelligence Agency



OCT 1991

MEMORANDUM FOR: Assistant to the President for National
Security Affairs
Assistant Secretary of State for Inter-American
Affairs
Assistant Secretary of State for Intelligence
and Research
Director, Defense Intelligence Agency
Director, Federal Bureau of Investigation
Manager, Justice Command Center

WARNING: INFORMATION REPORT, NOT FINALLY EVALUATED INTELLIGENCE

SUBJECT: The Devine Case: Additional Information on the
Involvement of Guatemalan Military Officers in
the Killing of U.S. Citizen Michael Devine

[REDACTED] In early October 1991, an individual with direct
knowledge of the incident remarked that Guatemalan soldiers from
the Military Intelligence Office (S-2) of Military Zone 23 (MZ

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[REDACTED]

23), headquartered in Santa Elena, Peten Department, were ordered in June 1990 to arrest and interrogate U.S. citizen Michael Devine on suspicion of having in his possession a stolen Guatemalan Army rifle, allegedly sold to him by an Army deserter. MZ 23 Commander Colonel Mario Roberto Garcia Catalan ordered Captain Hugo Contreras, an officer attached to the S-2, to take a number of enlisted men to the area of Poptun, locate Devine, and recover the Galil rifle. (Source Comment: Garcia had earlier been blamed for the loss of other weapons under similar circumstances, a serious black mark on his record.)

[REDACTED] Contreras arrested Devine and took him to the Military Training Base at Poptun, Peten Department, which is the training base of the elite "Kaibil" unit and was then under the command of Lt. Colonel Julio Roberto Alpirez. Alpirez, among others, was present when Contreras interrogated Devine. Contreras, a violent man with an explosive temper and well known for his brutality, wrapped a poncho around Devine's head, allowing him to breathe from time to time. Although Contreras had apparently not been ordered to kill Devine, he died either from suffocation or heart failure. After he died, the body was taken in a truck back to a highway near his home where it was placed in the road. The Guatemalans did not recover the rifle which allegedly was in Devine's possession. (Field Comment: The wound found on Devine's neck may have been inflicted to hide evidence of the suffocation described in this account.)

[REDACTED]

[REDACTED] Lt. Colonel Alpirez, now posted at MZ 18, headquartered at Malacatan (14-15N, 92-03W) in San Marcos Department, is an extremely violent man who has murdered guerrilla prisoners in the past. He recently has been observed engaging in bizarre behavior, such as walking through the town where he is currently stationed, exposing himself, and firing weapons in the air. Colonel Garcia, the officer who ordered Captain Contreras to arrest Devine, has a personality similar to that of Alpirez and also has murdered guerrilla prisoners. Colonel Guillermo Portillo Gomez, the second in command of MZ 23 at the time of the murder, also is a violent person.

[REDACTED] Following Devine's murder, Alpirez made an official statement in which he admitted certain aspects of the crime but carefully shielded his own participation. Minister of Defense General Luis Enrique Mendoza Garcia, incensed by Alpirez' statement which, if accurate, pointed to Army involvement in the killing, ordered Alpirez to retract it. Alpirez refused to do so

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[REDACTED]

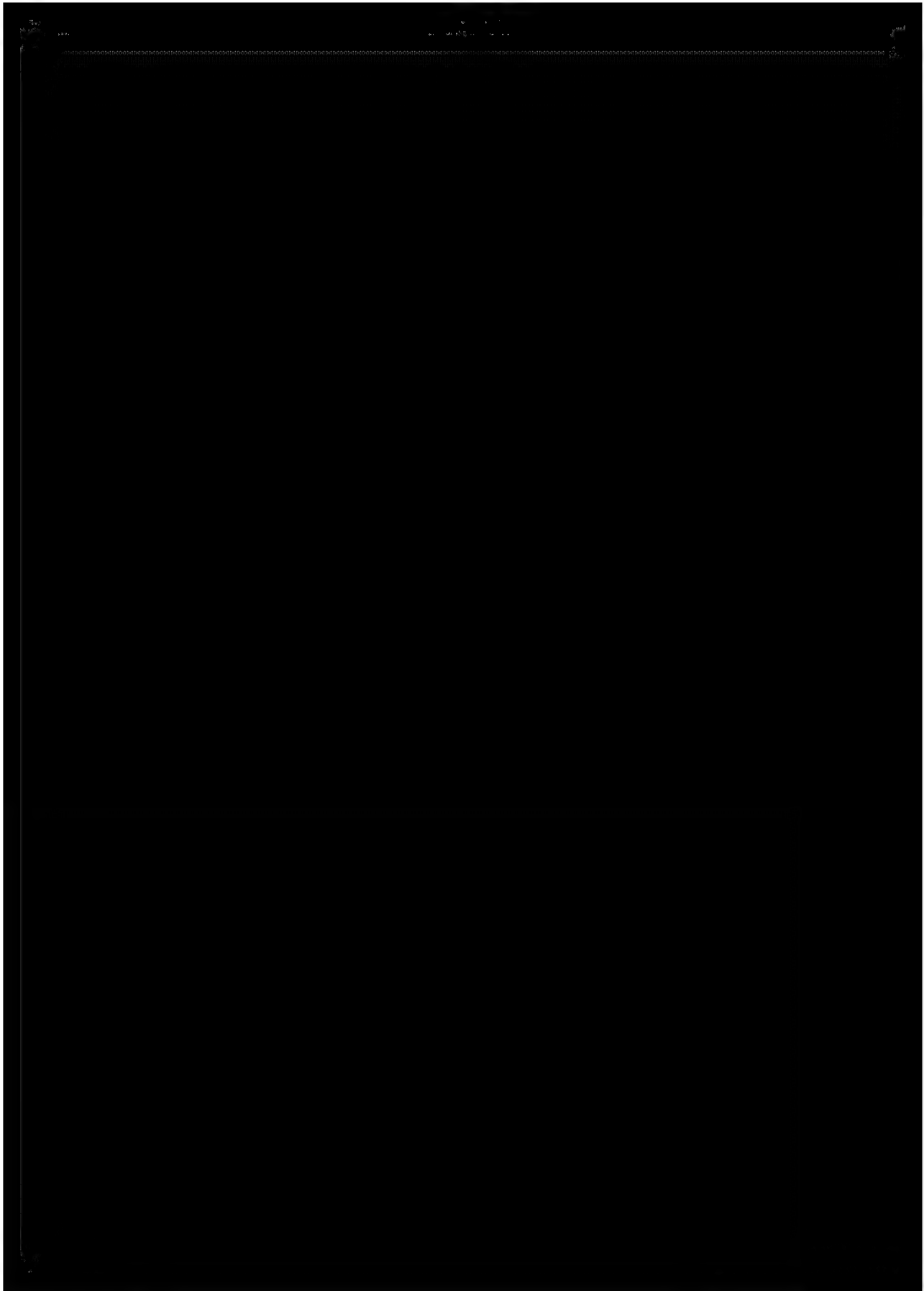
unless given a written order. Mendoza then removed Alpirez from his command of the training base and sent him to a dangerous, remote post in San Marcos. Alpirez then thought better of his defiance and requested permission to retract the statement but, as of mid-October 1991, remained posted to San Marcos. Minister of Defense Mendoza is responsible for blocking all efforts to investigate the killing, believing that he is defending the Army as an institution.

[REDACTED]

[REDACTED]

Thomas A. Twetten
Deputy Director for Operations

~~SECRET~~



~~SECRET~~

CENTRAL INTELLIGENCE AGENCY

WASHINGTON, D.C. 20505

Office of General Counsel

19 November 1991

The Honorable Mark M. Richard
Deputy Assistant Attorney General
Criminal Division
Department of Justice
Washington, D.C. 20530

Dear Mr. Richard:

I am writing to you pursuant to section 1.7(a) of Executive Order 12333 to report information concerning a possible violation of federal criminal law. (U)

This Agency has recently received new information regarding the death of U.S. citizen Michael Devine in Guatemala in June, 1990. This new information is at variance with information previously provided by [REDACTED] and disseminated to the Department of Justice and Federal Bureau of Investigation in [REDACTED] in August, 1990. The new information in fact indicates that [REDACTED] [REDACTED] may have witnessed Devine's death. (S)

[REDACTED] in October, 1991, that the former commander of the Guatemalan Training Base at Poptun, Peten Department, Lt. Colonel Julio Roberto Alpirez, [REDACTED] that in June, 1990 soldiers from the Military Intelligence Office (S-2) of Military Zone 23 (MZ 23), headquartered in Santa Elena, Peten Department, were ordered to arrest and interrogate Devine on suspicion of having in his possession a stolen Guatemalan Army rifle, allegedly sold to him by an Army deserter. [REDACTED] MZ 23 Commander Colonel Mario Roberto Garcia Catalan ordered Captain Hugh Contreras, an officer attached to the S-2, to take a number of enlisted men to the area of Poptun, locate Devine, and recover the Galil rifle. (S)

[REDACTED] stated that Contreras arrested Devine and took him to the military base in Poptun, which is the training base of the elite "Kaibil" unit, then under Alpirez' command. Alpirez [REDACTED] was present when Contreras

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interrogated Devine and that during the interrogation, Contreras wrapped a poncho around Devine's head. During this interrogation, Devine died, apparently from heart failure or suffocation. After he died, the body was taken in a truck back to a highway near Devine's home where it was placed in the road. [REDACTED]

[REDACTED] (S)

[REDACTED] Alpírez made an official statement in which he discussed certain aspects of the crime, though not his own participation. [REDACTED] the Guatemalan Minister of Defense, General Luis Enrique Mendoza Garcia objected to Alpírez' statement and ordered Alpírez to retract it. Alpírez refused to retract the statement and was transferred to another post. He has since reportedly attempted to retract the statement. (S)

The information in this report has been disseminated to select agencies of the Intelligence Community in [REDACTED]. Because of the particularly sensitive nature of the information and because the Agency believes that the sources' lives could be at risk were it revealed that they had provided information to the U.S. Government which implicated Guatemalan military officers in the death of Devine, information tending to identify the sources, included in this report, was not included in the Intelligence Community dissemination. [REDACTED] of this office [REDACTED] is the focal point for any further information you may require concerning this matter. (S).

Sincerely,

Elizabeth R. Rindskopf
Elizabeth R. Rindskopf
General Counsel

20 November 1991

MEMORANDUM FOR: Chief, Latin America Division

FROM:

[REDACTED]
Assistant General Counsel

SUBJECT: Briefing of Deputy Assistant Attorney General

1. On Monday evening, 18 November, [REDACTED] and I briefed Mark Richard, Deputy Assistant Attorney General for Criminal Division on the new information developed in the Devine case. The briefing was held in the CIA General Counsel's office. Also in attendance were the CIA General Counsel and Deputy General Counsel, [REDACTED] from the Deputy Attorney General's staff.

2. We informed Richard that we wished to bring to his attention information recently developed regarding the death of the American citizen Michael Devine, in Guatemala. We told him that new information indicated Devine had been arrested by the Guatemalan military and died during interrogation. We stated that a military officer [REDACTED] admitted [REDACTED] that he had been present during the interrogation. No names were mentioned during the briefing. We told Richard that this information had been the subject of a recently disseminated intelligence report. Richard indicated that he would prefer not to take the letter we had prepared for him outlining the facts with him at that time and arrangements were made to deliver the letter to Richard at his office.

3. As expected, Richard expressed doubt as to whether the Justice Department had jurisdiction over the case. He was not familiar with the case and wondered whether there were political overtones to the incident. (The Justice Department has jurisdiction only if the Attorney General has reason to believe that the murder was intended to "coerce, intimidate or retaliate against a government or a civilian population.") We told Richard that our information was that the military arrested Devine to

[REDACTED]

[REDACTED]

SUBJECT: Briefing of Deputy Assistant Attorney General

recover an army rifle and that we had no information indicating whether there were any political overtones to the arrest and killing.

4. Richard said that he would review DOJ's files to determine whether Devine was involved in any political activities in Guatemala that could be related to his arrest and murder. Based on Richard's doubts about U.S. jurisdiction, it is likely Justice will not actively pursue the matter at this time, unless they have independent evidence indicating that Devine's murder was politically motivated.



DO/LA/LGL [REDACTED] (25 Nov 91)

Distribution:

Orig - Addressee

- 1 - [REDACTED]
- 1 - [REDACTED]
- 1 - LA/LGL SIGNER



Intelligence Report

Office of African and Latin American Analysis

27 January 1995

Guatemala: Chronology of the Bamaca Case (U)

- 25 January, [redacted] reported that [redacted] Guatemalan [redacted] "it was known within the senior ranks of the Army" that Bamaca was killed by Colonel Julio Roberto Alpirez, third commander of Military Zone 18 (San Marcos) at the time of Bamaca's capture. The government official spoke in mid-January 1995 with [redacted] confirmed the allegation.
- On 19 January, [redacted] a review of Guatemalan press for March 1992 revealed a number of articles about an encounter between the Army and ORPA guerrillas near Nuevo San Carlos on 12 March 1992--the incident in which involved Bamaca. The articles refer to a guerrilla casualty left on the field, and one paper claims the "leader of the group" was killed. The press reports do not further identify the dead guerrilla.
- A 13 January Embassy report says the Guatemalan Human Rights Ombudsman Office on 9 December 1994 submitted its final report on its 30-day investigation into the Bamaca case. The Office concluded that Bamaca was not found to be detained by any Guatemalan officials or the security forces, but that it could not determine whether Bamaca was alive or dead. The Embassy notes that the interviews conducted by the Office appear to have been "very perfunctory and superficial".
- [redacted] reported on 6 December 1994 that [redacted] Bamaca had been captured alive, held and interrogated for about one month, but that he is now dead. [redacted] "the exact method of his elimination is unknown", but that it is unlikely he was dumped at sea by a helicopter due to the cost of such an operation. [redacted] there is no "firsthand evidence" to confirm Bamaca's death.

- December 1994 report, [redacted] reported that [redacted] Guatemalan [redacted] said that Bamaca had been captured alive in March 1992, but that he is now dead. He stated that the officer who took charge of the interrogation was Colonel Julio Roberto Alpirez, then-third commander of Military Zone 18, [redacted] [redacted] said that Bamaca had been captured alive and believed he was still alive 4-5 weeks later. [redacted] but believed Bamaca had been killed.
 - In early November, [redacted] [redacted] Bamaca had been slightly wounded and cooperated with his military intelligence (D-2) interrogators--although information about arms caches later proved to be erroneous. In April 1992, Bamaca reportedly was taken away in a D-2 helicopter and never seen by the junior officer again. [redacted] had observed military intelligence personnel throw live guerrillas from helicopters into the ocean, and suggested this may have happened to Bamaca.
 - In early November, [redacted] [redacted] the Army has an unspecified number of former guerrillas on its payroll. [redacted] following capture, rebels are given a choice: either collaborate with military intelligence against former comrades or be summarily executed and buried in an unmarked grave. [redacted] these methods have been used by the Army since the beginning of the insurgency, and continue to be employed despite the attention of human rights activists. [redacted] all captured guerrillas--with the exception of those paraded before the media for propaganda purposes--are interrogated for their intelligence value, and in the majority of cases are then killed and buried. As to Bamaca's fate, [redacted] [redacted] the Army does not have the rebel leader in custody. [redacted] opinion, however, the Army should turn Bamaca, or his remains, over to Jennifer Harbury in order to end the media attention the case is receiving.
-
- [redacted]

[redacted] reported that an unidentified [redacted] recently related that [redacted] in March 1992 had killed two guerrillas in an armed encounter in Quetzaltenango. One of the dead rebels appeared to have been a commander; he wore a special uniform and new boots, and carried a radio and a weapon. [redacted] could not identify the dead insurgent, [redacted] and told by the local [redacted] that the dead insurgent was Commandante Everardo. [redacted]

[redacted] suggests that the Army may have replaced Bamaca's body with the dead insurgent's in an effort to cover up any evidence of torture. [redacted]

[redacted] Guatemalan [redacted] obtained [redacted] information from conversations with other [redacted] rather than from personal experience—stated that Bamaca had been captured in March 1992 and taken to a military camp [redacted] that Bamaca's capture was viewed as a great success by the government because at the time he was the only important indigenous guerrilla leader, [redacted]

[redacted] the Army later realized the case would become a political propaganda issue for the URNG following the February 1993 testimony before the UN Commission on Human Rights in Geneva of two guerrillas who claimed to have seen Bamaca alive inside a clandestine prison before they escaped.

* In May 1994, [redacted] that Minister of Defense Enriquez gave verbal orders to all military zone commanders to identify clandestine cemeteries and purge intelligence-related documents. [redacted]

[REDACTED]

[REDACTED]

March 1992, [REDACTED] Bamaca [REDACTED] guerrilla's capture. [REDACTED] claimed that Bamaca subsequently was taken away by unidentified military intelligence officers from the Armed Forces General Staff; the senior officer claims he never again saw Bamaca or heard anything about his whereabouts or status. [REDACTED]

[REDACTED] reportedly implied to his confidant that Bamaca was in good, if not excellent, health at the time of his capture. [REDACTED] expressed the personal opinion that even if Bamaca was dead, the government and the military would not turn over his remains because they would then be open to a flood of requests for the remains of other victims of the long and bloody civil war.

- In early October 1993, former Army specialists (senior enlisted troops) Francisco Solobal and Tiburcio Hernandez, both serving a 30-year sentence for their role in the murder of US citizen Michael Devine, publicly claimed they had engaged in Army-run death squad activity and could provide information on clandestine cemeteries and jails. [REDACTED] the Guatemalan National Defense Staff, worried that such allegations—even if not true—could damage the Army's image at a time when it was making great strides in improving its reputation, sent a senior counterintelligence officer to meet with the imprisoned specialists; these ex-soldiers subsequently admitted to having exaggerated claims of having participated in "death squad" activity. [REDACTED]

[REDACTED]

[REDACTED] in mid-May 1993 [REDACTED] Guatemalan [REDACTED] [REDACTED] reportedly believed the accounts of the two URNG members who testified that they saw Bamaca alive inside a clandestine camp, [REDACTED]

[REDACTED]

[REDACTED]
[REDACTED] reportedly stated that Bamaca was
alive, [REDACTED] would neither confirm nor deny the allegation.

[REDACTED]
[REDACTED] reported in early March
1992 that Bamaca had been captured and was in good condition despite a light
wound to the arm. [REDACTED] reports Bamaca was treated well by the Army,

[REDACTED]
[REDACTED] further commented
that Bamaca continued to cooperate with the Army, and that news of his
capture likely would be kept secret by the Army, which might even claim he
was killed in action.

Exhibit C

MEANS OF DELIVERY AND FINAL DISPOSITION OF DOCUMENTS DELIVERED TO FORMER DCIS

Admiral Stansfield Turner:	Delivered by DCI couriers on 29 March. Adm. Turner read and returned.
Judge William Webster:	Delivered by DCI couriers on 30 March. Judge Webster read and returned.
Dr. James Schlesinger:	Delivered by DCI couriers on 30 March. Dr. Schlesinger read and returned.
Mr. Richard Kerr:	Mailed via U.S. Postal Service registered mail on 30 March to Kitty Hawk, NC. Registered return receipt requested. [REDACTED] [REDACTED]
Mr. George Bush:	Faxed via U.S. Secret Service in Houston, TX, on 6 April 1995. Covering memo faxed on 7 April 1995. Shredded after reading.
Mr. Robert Gates:	Mailed via U.S. Postal Service registered mail. [REDACTED] Mr. Gates said he "knew how to take care of it" and would return it on 21 April when DCI Security was to visit. Decision to send made by DCI Security. Mailed 7 April to Mt. Vernon, WA. No record of final disposition.
Mr. James Woolsey:	Delivered by DCI Security on 14 April 1995. Mr. Woolsey read and returned.
Mr. William Colby:	Did not have clearances--did not receive copy.
Mr. Richard Helms:	Was briefed and did not see need to receive documents.

~~SECRET~~

*Central Intelligence Agency
Inspector General*

REPORT OF INVESTIGATION



GUATEMALA: VOLUME III
CIA RELATIONSHIP WITH JULIO ROBERTO ALPIREZ
(95-0024-IG)

July 15, 1995

*Frederick P. Hitz
Inspector General*

*A. R. Cinquegrana
Deputy Inspector General
for Investigations*

Investigators:



All portions are
classified ~~SECRET~~





APPROVED FOR RELEASE
DATE: DEC 2001

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Copy 54 of 100



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*OFFICE OF INSPECTOR GENERAL
INVESTIGATIONS STAFF*

REPORT OF INVESTIGATION

GUATEMALA: VOLUME III
CIA RELATIONSHIP WITH JULIO ROBERTO ALPIREZ
(95-0024-IG)

July 15, 1995

INTRODUCTION

1. On January 25, 1995, an intelligence report was disseminated by the Central Intelligence Agency (CIA) stating that Guatemalan insurgent commander Efraim Bamaca Velasquez, the reported husband of a U.S. citizen, was killed by Guatemalan Army officer Julio Roberto Alpirez. [REDACTED]

[REDACTED] information was acquired by CIA that he was present during the interrogation when U.S. citizen Michael DeVine was killed in June 1990.

2. On January 27, 1995, then-Acting Director of Central Intelligence (ADCI) William O. Studeman asked the Inspector General to investigate the nature and extent of the relationship between the CIA and Alpirez. [REDACTED]

[REDACTED]

[REDACTED]
[REDACTED] On February 17, 1995, the Office of Inspector General (OIG) received additional questions relating to Alpirez from the Senate Select Committee on Intelligence (SSCI). Most of the SSCI's questions reflected concerns already expressed by the ADCI. However, the SSCI also asked about activities and information that are the responsibility of other federal agencies—the Departments of State, Justice and Defense.

BACKGROUND

3. Guatemala City Station came into regular contact with Alpirez beginning in 1987 as the result of his position as head of the Security Department in the Presidential General Staff. [REDACTED]
[REDACTED]

4. Shortly after receiving information in October 1991 alleging that Alpirez had been present at the interrogation of U.S. citizen Michael DeVine, who was killed in June 1990, the Station decided to suspend further contact with Alpirez [REDACTED]
[REDACTED]

[REDACTED] until the U.S. Department of Justice (DoJ), to which the allegations had been referred in November 1991, determined whether it had an interest in pursuing prosecution of Alpirez.
[REDACTED]
[REDACTED]

[REDACTED] While the October 1991 allegations about Alpirez were included in a compilation of ten reports that were shown to the SSCI staff in June 1992, there is no evidence that [REDACTED] or the referral to DoJ were reported to the intelligence oversight committees of the Congress at that time.

5. In January 1995, the Station obtained information alleging that Bamaca was killed by Alpirez. Bamaca was reportedly captured in March 1992, and Alpirez's alleged involvement in his death could have occurred [REDACTED]
[REDACTED]

[REDACTED] The National Security Council (NSC), DoJ and Department of State were advised of this information shortly after its receipt in January 1995.

6. The intelligence oversight committees were informed on February 3, 1995 of the January 25, 1995 allegation that Bamaca was killed by Alpirez. At the same time, the October 1991 allegation that Alpirez was present at the interrogation of DeVine was reported to the committees and the committees were advised that [REDACTED]

PROCEDURES AND RESOURCES

7. When the ADCI asked the IG to investigate CIA's relationship with Alpirez on January 27, 1995, two investigators were assigned to the task. These investigators reviewed relevant files in the Latin America (LA) Division, [REDACTED]

[REDACTED] of the Directorate of Operations (DO), in the Office of Congressional Affairs (OCA), and in the Office of General Counsel (OGC). Knowledgeable members of these components were interviewed, including former Chiefs and Deputy Chiefs of Guatemala City Station and Station officers who had dealt with Alpirez. Regulations and guidance for handling information relating to human rights abuses and to requirements for reporting to Congress were reviewed. When new facets were added to the investigation after public allegations by Congressman Robert Torricelli on March 22, 1995, additional resources were applied and the scope of the file reviews and interviews was expanded. See the Procedures and Resources section of Volume I for additional details.

QUESTIONS PRESENTED

8. Based on correspondence from the ADCI and the SSCI, and other issues developed in the course of the investigation, this Report addresses the following questions:

- ◆ What was CIA's relationship with Alpirez [REDACTED]
[REDACTED]
- ◆ What information or allegations did CIA acquire concerning Alpirez's knowledge of or participation in human rights abuses? When was the information acquired? How was it handled? How reliable were the sources of this information?
- ◆ With regard to Alpirez, did the Agency comply with regulations concerning the need to keep ambassadors informed?
- ◆ What other derogatory information did CIA acquire concerning Alpirez and how was this information handled? What information is available concerning allegations by a former employee of the Drug Enforcement Administration (DEA) regarding CIA knowledge that Alpirez had DeVine killed for discovering a drug operation run by Alpirez?
- ◆ Did CIA's failure to notify DoJ of reports implicating Alpirez in narcotics trafficking hinder the Attorney General's ability to determine whether the DeVine murder was politically motivated? Should the reports have been provided to DoJ under existing crimes reporting procedures?
- ◆ Did CIA comply with the relevant statutes, regulations, and procedures concerning human rights issues that

were in effect when the October 1991 information was received?

- ♦ What and when was Congress told about the October 1991 report that Alpirez had been present at DeVine's interrogation [REDACTED]
[REDACTED] Were the statutes, regulations and procedures in effect regarding notification of Congress followed?
- ♦ Would current statutes, regulations and procedures regarding human rights reporting and Congressional notification have required different action if they had been in place at the time?
- ♦ How was the October 1991 information handled within the Executive branch? Was it used as the basis of a demarche to the Government of Guatemala?
- ♦ Is there any information in Alpirez's Agency [REDACTED] [REDACTED] records to indicate that the CIA knew, or should have known, that he might commit criminal acts of this sort?
- ♦ How did Alpirez perform when he attended the Command and General Staff Course at Fort Benning, Georgia? Are there any written evaluations on record? Did either the Agency or the Army have any indications that Alpirez was the sort of person who might commit atrocities? If so, did either organization take any action? If either organization had concerns, did it share them with the other?
- ♦ Was the information regarding Alpirez's involvement in the DeVine case fully reported to the Department of Justice (DoJ) on a timely basis? Why did it take the CIA from October 17, 1991 until November 18, 1991 to report the information to DoJ? Why did it take DoJ from

November 18, 1991 to March 18, 1992 to determine that it had no jurisdiction in this case? Did the CIA follow up with DoJ during that four-month period? If not, why not? Is there a written record of DoJ's determination or of any CIA/DoJ contact during that time?

- ◆ [REDACTED]
- ◆ [REDACTED]

FINDINGS

WHAT WAS CIA'S RELATIONSHIP WITH ALPIREZ [REDACTED]

9. [REDACTED] the beginning of 1987. Alpirez was then an Army Major and head of the Department of Presidential Security in the Guatemalan Presidential General Staff commonly referred to as "Archivos."² He had

² CIA files do not contain extensive reporting on the Department of Presidential Security and its predecessors. In 1987, Alpirez explained that this Department, which he called the "Office of Security," was staffed by 142 employees and was responsible for the security of the President and his family; providing the President with a daily intelligence briefing covering worldwide as well as domestic developments; monitoring the activities of leading political opposition figures; investigating charges of corruption against cabinet members; conducting public opinion polls; monitoring the level of domestic criminal activity; reporting on national police activities; reporting on domestic narcotics trafficking; investigating selected kidnapping cases; and reporting incidents of human rights abuse. The Department appears to have evolved from the General Archives and Supporting Services of the Presidential General Staff. This organization was commonly referred to as "Archivos" and had a reputation for violence. According to an

previously served in the Directorate of Intelligence (D-2) of the Guatemalan National Defense General Staff. In October 1987, Headquarters issued a [REDACTED] that was required to permit the Station to continue its officially-sanctioned liaison contact with Albirez.³ [REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

August 8, 1983 intelligence report of August 8, 1983, "Archivos" was to have been disbanded in 1983 after the military forced Guatemalan President Efraim Rios Montt to resign. In fact, it was not disbanded at that time although a Guatemalan National Security Directive prohibited it from engaging in activities other than gathering political intelligence. According to a June 16, 1984 intelligence report, "Archivos" had renewed counterintelligence operations against Guatemalan subversive organizations in June 1984. There is no clear explanation in CIA files concerning how the unit evolved from 1984 until it appears in 1987 as the Department of Presidential Security, which continues to be referred to as "Archivos."

³ "Liaison" is defined [REDACTED] as: "Any working relationship or contact between a CIA officer and an organization, official, or employee of a foreign service or government that has been authorized by the DDO and by one or more responsible officials of the foreign service or government concerned and that is conducted by the CIA and foreign representatives [REDACTED]
[REDACTED]

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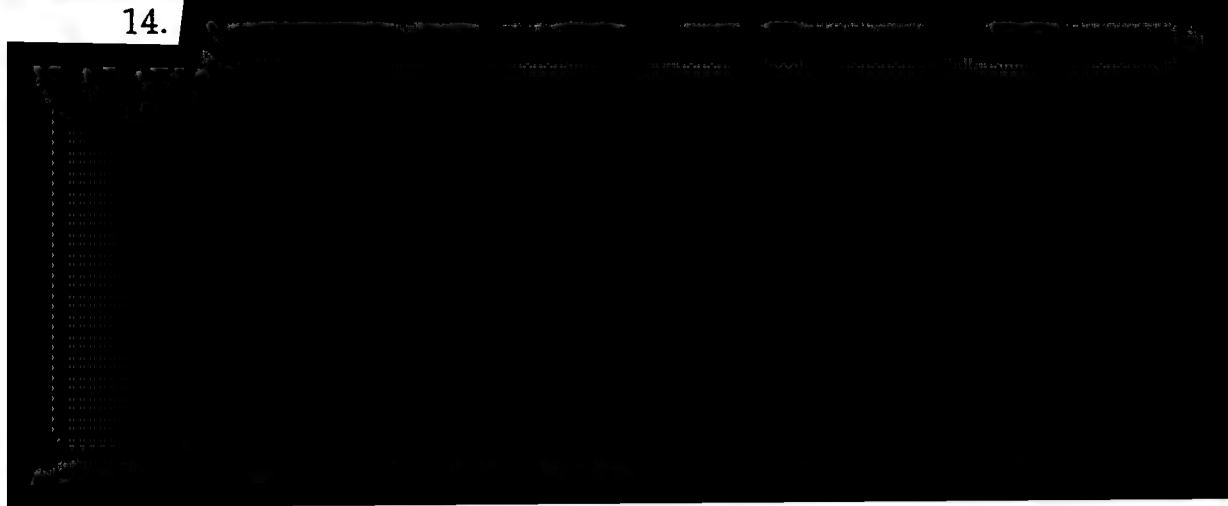
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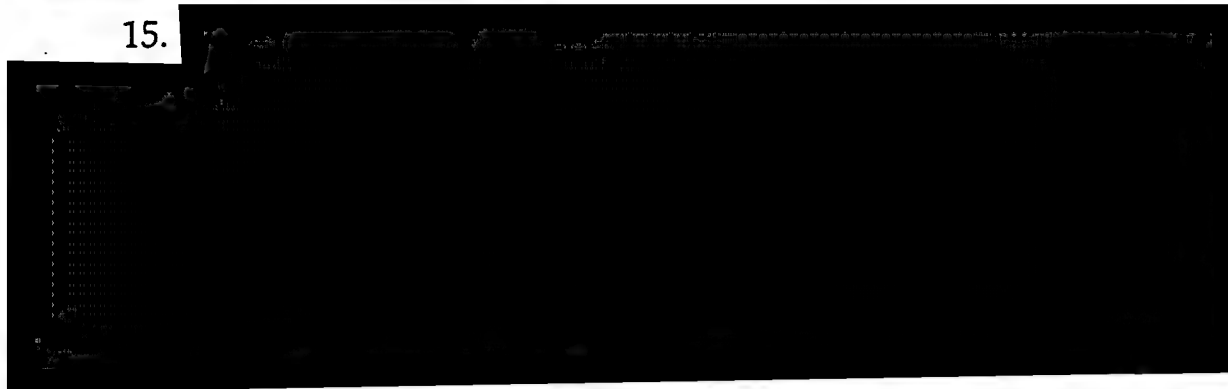
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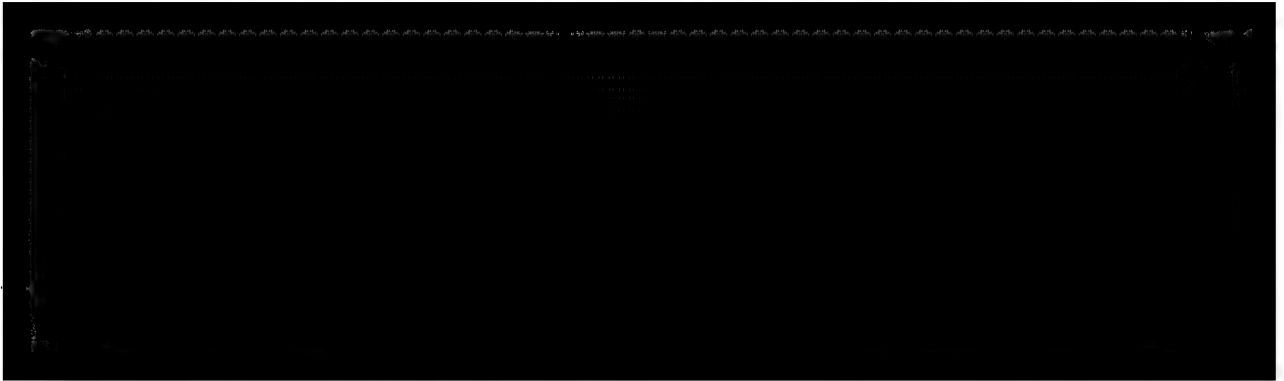
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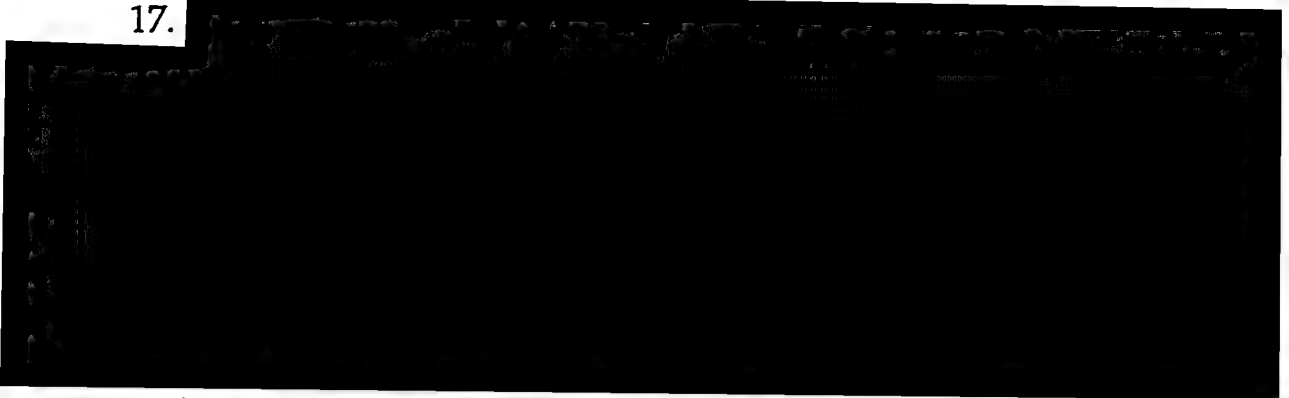
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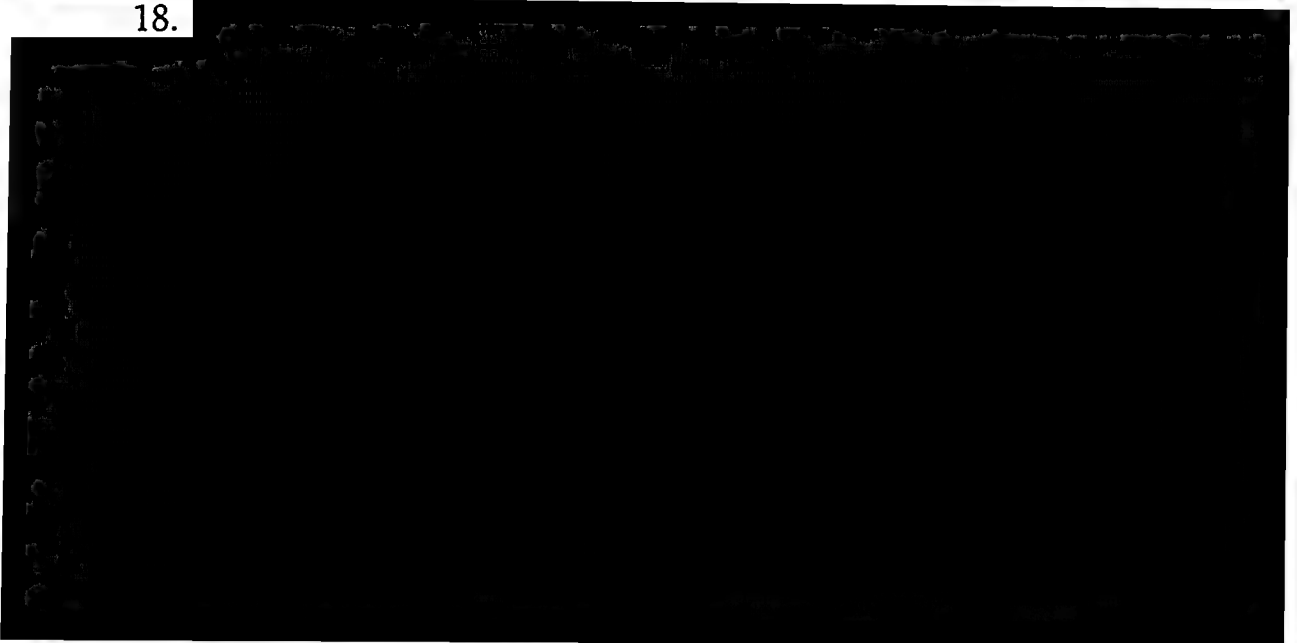
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20.

[REDACTED] background on the killing of DeVine.⁴ [REDACTED] reported [REDACTED] to Headquarters on August [REDACTED] 1990 as follows:

[REDACTED] related that on June 8, 1990, five men from the S-2 office in Santa Elena, Military Zone [MZ] 23, had arrived [REDACTED] in a white Toyota pickup; [REDACTED]

[REDACTED] they had been sent by the S-2 of MZ 23 to "controlar" DeVine; controlar in this context means to surveil. [REDACTED]

[REDACTED] it was strange that an officer was not in charge of the detail)

The next day (June 9) DeVine was found dead with the head almost severed. [REDACTED] there were witnesses to the act and that the men from MZ 23 had even fired on some of the witnesses. An investigation was called [REDACTED]

[REDACTED] the Deputy D-2, carried

4

5

out the investigation. [REDACTED] a real investigation had been ordered, but [REDACTED] when the truth was learned, a cover-up began. [REDACTED]

there was no written report. [REDACTED]

[REDACTED] that an innocent fall guy has been located. This is an individual who had had a falling out with DeVine several years ago and they had fired weapons at each other, thus this individual was a convenient fall guy. [REDACTED]

[REDACTED] the vehicle in question probably has been destroyed to get rid of evidence.

As Headquarters is aware this issue is a very pressing one here. While some of the above information is known to the Embassy through a private investigator hired by DeVine's wife (such as the identities of some of the enlisted personnel who were in the Toyota pickup), [REDACTED] information is the first to finger the MZ 23 commander as the intellectual author of the murder, and outline the military cover-up. This embassy has pushed the Guatemalan military hard to find and charge the culprits in this case, thus far without success. [REDACTED]

[REDACTED] plans [not] to provide Ambassador [Stroock] with the information obtained from [REDACTED] until 27 August, to give a measure of protection to [REDACTED] told Ambassador that we have information which we will pass on to him at that time and he has accepted the need for source protection. [REDACTED] will suggest to the Ambassador he then present the information to [REDACTED] end the cover-up and punish the MZ 23 Commander. We are also exploring the idea of telling [REDACTED] privately next week (somewhat simultaneously with the Ambassador's meeting [REDACTED] that the Embassy has the full details on how and on whose orders the murder was committed. Our thoughts are that we would "suggest" [REDACTED] that since the Embassy has the details the Guatemalan Army would best be served by charging Colonel Garcia Catalan thereby "polishing" its human rights credentials. We would further suggest that while this may be painful and embarrassing it would be much better than having the Embassy make known publicly the information that it has available and thereby cause the Guatemalan Army to be further damaged

in the eyes of the U.S. Government and those who track human rights abuses. Our efforts [redacted] would be designed so that he would tell [redacted] with whom he has a close relationship, that it is time for action on the part of the Army high command. [redacted]

As Hqs knows, the military zone S-2s are not an integral part of the Intelligence Directorate [D-2] but rather act under orders of the military zone commanders. Thus, we feel confident that the D-2 was not involved in the murder and that the D-2 complied with its directive to carry out the investigation.

While the above proposed actions seem like the logical way for Station and Embassy to proceed, it is hard for us to predict how [redacted] will react. Embassy/Station involvement could be resented [redacted] doesn't particularly like the U.S. anyway) and the fallout to U.S./Guatemalan relations could be heavy.

21. On August [redacted], 1990, Headquarters sent an immediate cable to the Station, praising the Station for the information provided by [redacted] stating:

Because of the high level interest in the DeVine case, request Station immediately brief Ambassador on the information [redacted]. To protect [redacted] Station can request that the Ambassador wait a few days before confronting [redacted]. Station should also immediately resubmit [redacted] information in [intelligence report] format [redacted]. [redacted] Hqs will prepare a memo dissem. We wish to get this information as quickly as possible to the Assistant Secretary of State for Latin America.

22. The Station resubmitted the information that same day as instructed by Headquarters. The report was disseminated by Headquarters on August [redacted] 1990 as a sensitive memorandum, signed by LA Division Chief [redacted] for then-DDO Richard Stolz, to:

Assistant to the President for National Security Affairs;
Assistant Secretary of State for Inter-American Affairs;
Assistant Secretary of State for Intelligence and Research;
Director, Defense Intelligence Agency (DIA);

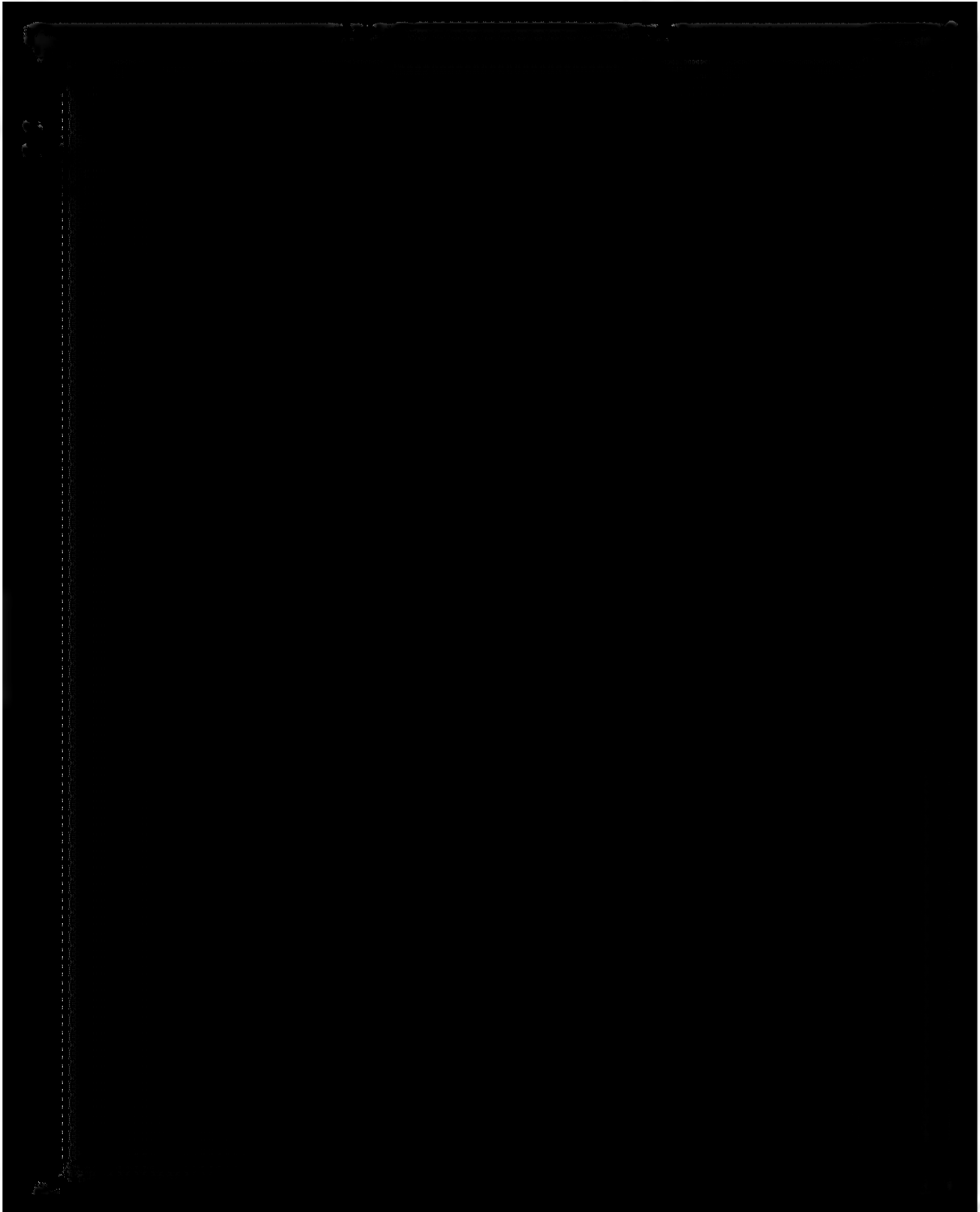
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Assistant Director, Intelligence Division, FBI;
Manager, DoJ Command Center; and
U.S. Ambassador to Guatemala.

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24. [REDACTED]

25. [REDACTED]

26. Alleged Presence at DeVine Interrogation. On October [REDACTED] 1991, [REDACTED] the Station received information from a source, [REDACTED] [REDACTED] alleging that Alpirez had said he had been present

at the interrogation of DeVine by Captain Hugo Contreras. A second source, [REDACTED] reported that Alpirez was a violent man, had killed guerrilla prisoners and was behaving erratically. (See paragraphs 52 to 56 of this Volume and Volume V which discuss serious questions regarding the validity and accuracy of this information.)

27. The Station submitted the information to Headquarters for dissemination on October [REDACTED] 1991. [REDACTED]



[REDACTED]

28. [REDACTED]



[REDACTED]

29. The information alleging that Alpirez was connected to DeVine's death was disseminated as a sensitive memorandum on October [REDACTED] 1991, signed by then-DDO Thomas Twetten, to:

Assistant to the President for National Security Affairs;

Assistant Secretary of State for Inter-American Affairs;
Assistant Secretary of State for Intelligence and Research (INR);
Director, Defense Intelligence Agency (DIA);
Director, Federal Bureau of Investigation;
Manager, DoJ Command Center; and
U.S. Ambassador to Guatemala.

30.



31. On November 18, 1991, officers from LA Division and OGC, including then-Agency General Counsel Elizabeth Rindskopf, met in Rindskopf's office with Mark Richard, Deputy Assistant Attorney General for the DoJ's Criminal Division. In addition to discussing other topics, the CIA officers informed Richard that a Guatemalan military officer [REDACTED] admitted [REDACTED] that he had been present during the interrogation of DeVine. According to a memorandum concerning this meeting prepared by [REDACTED] the OGC attorney assigned to LA Division, Richard expressed doubt as to whether DoJ had jurisdiction over the case but agreed to have the matter reviewed. A formal report of a potential violation of criminal law containing details of the October 1991 allegations regarding Alpirez was signed by Rindskopf and was sent to Richard at DoJ on November 19. (For a detailed discussion of the Agency's interaction with DoJ, see paragraphs 249 to 295 of this Volume.)

32. Ultimately, it appears that [REDACTED] was informed by a DoJ attorney that DoJ planned to take no action in the matter. No documents have been found recording this discussion or DoJ's decision that no jurisdiction existed in this case. Agency officers recall that OGC was notified of DoJ's decision by telephone or in person. In any event, on March 18, 1992, Headquarters sent a cable informing the Station that the situation had been resolved [REDACTED]

[REDACTED]

33. [REDACTED]

[REDACTED]

34. [REDACTED]

[REDACTED]

[REDACTED]

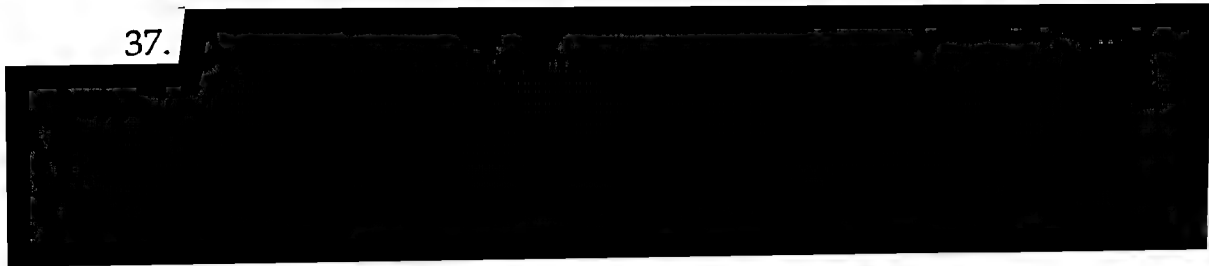
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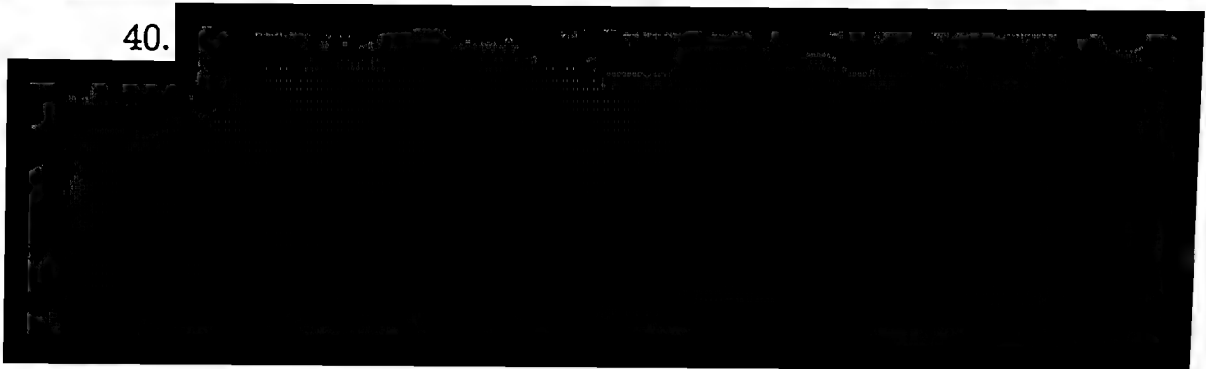




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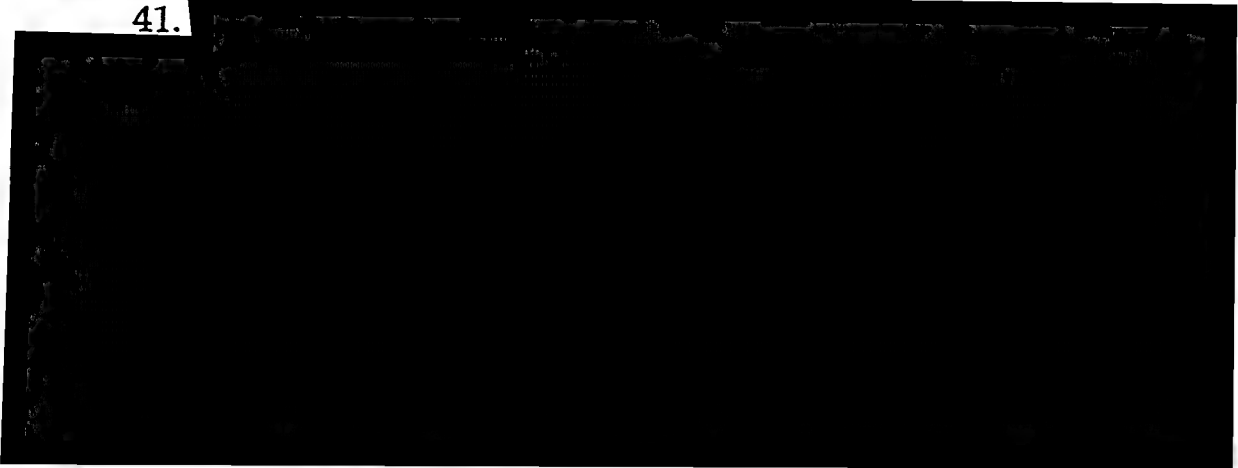
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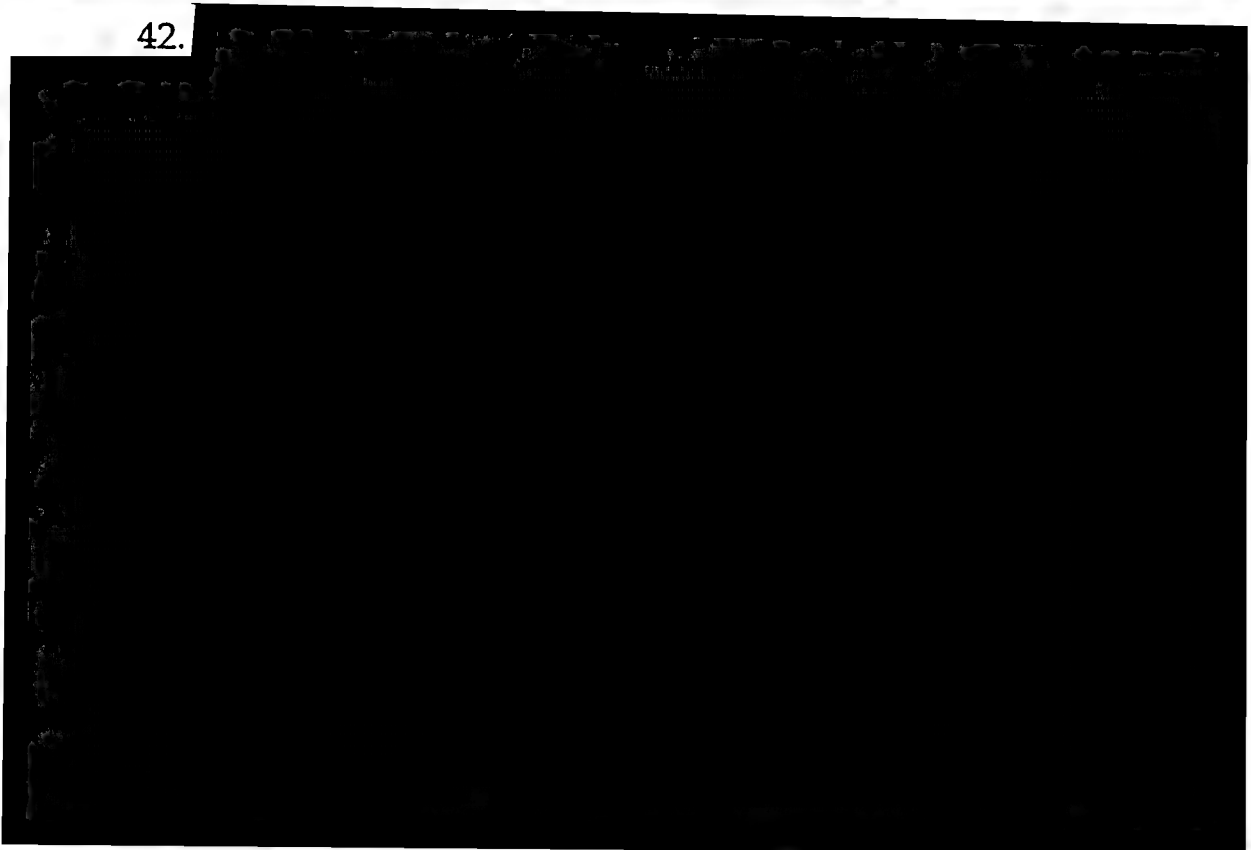
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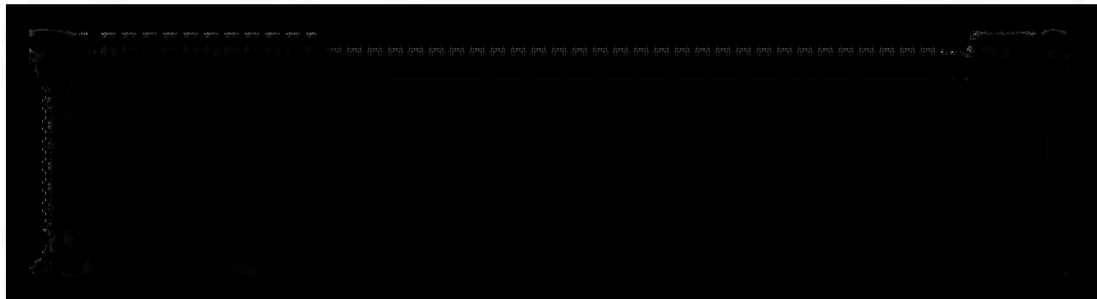
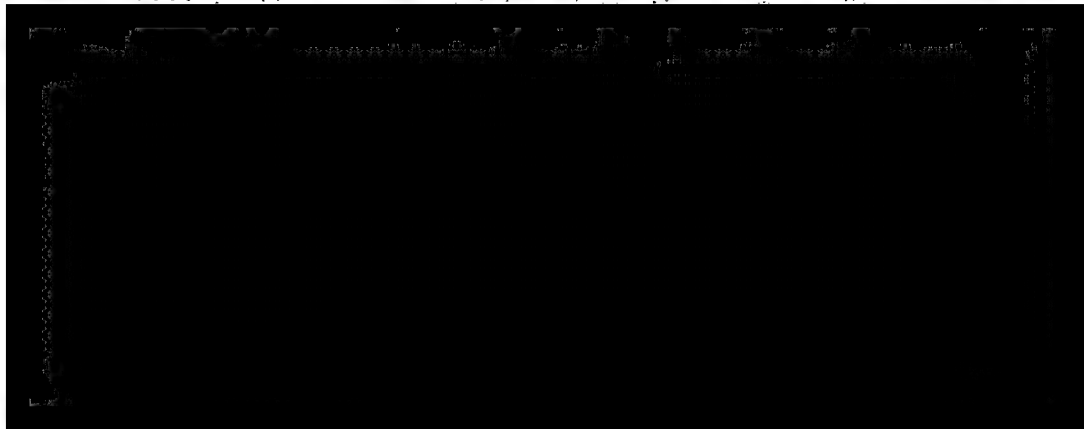
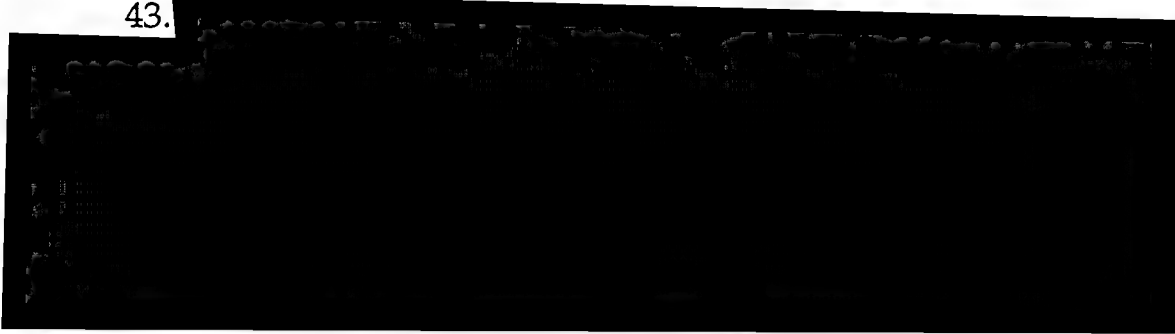


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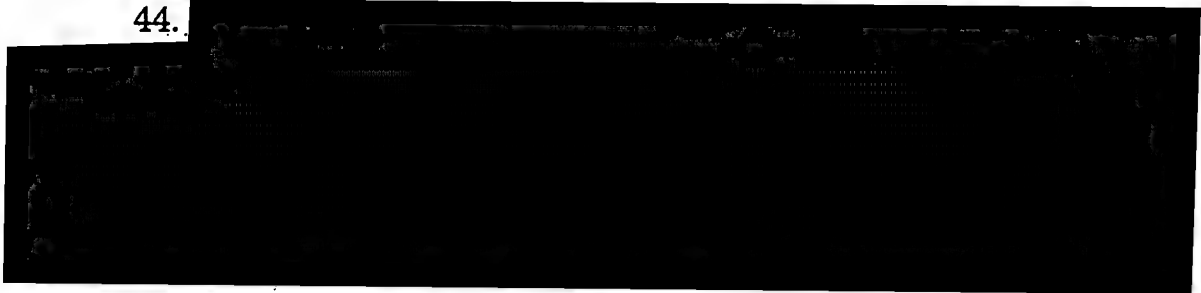


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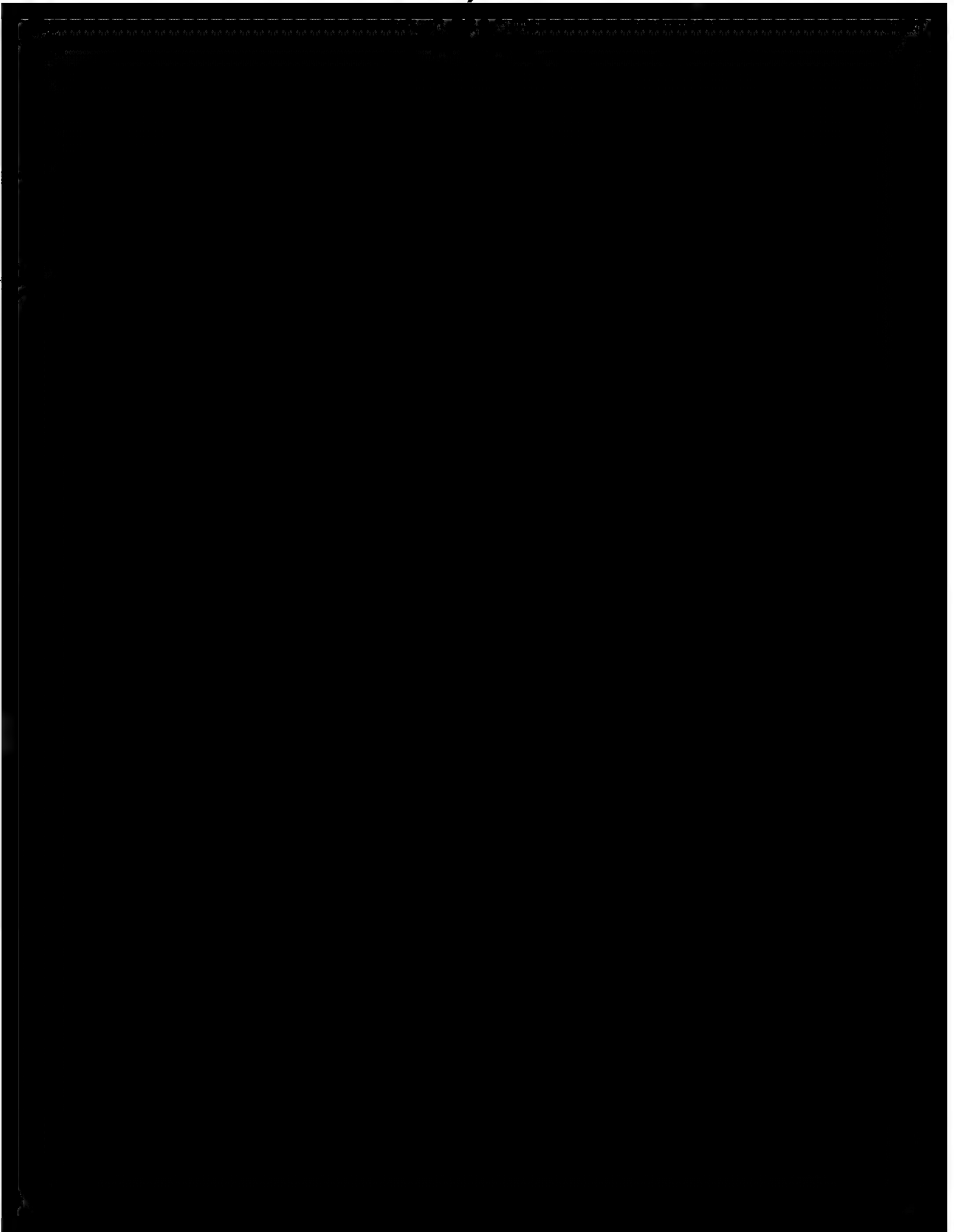
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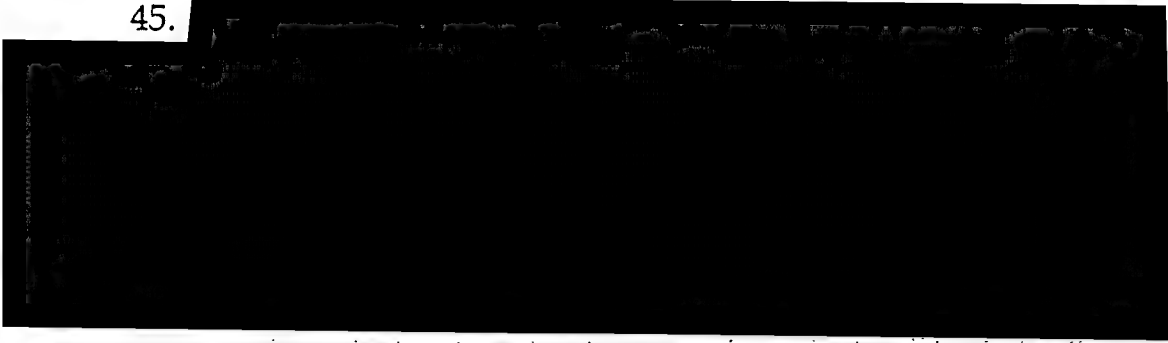
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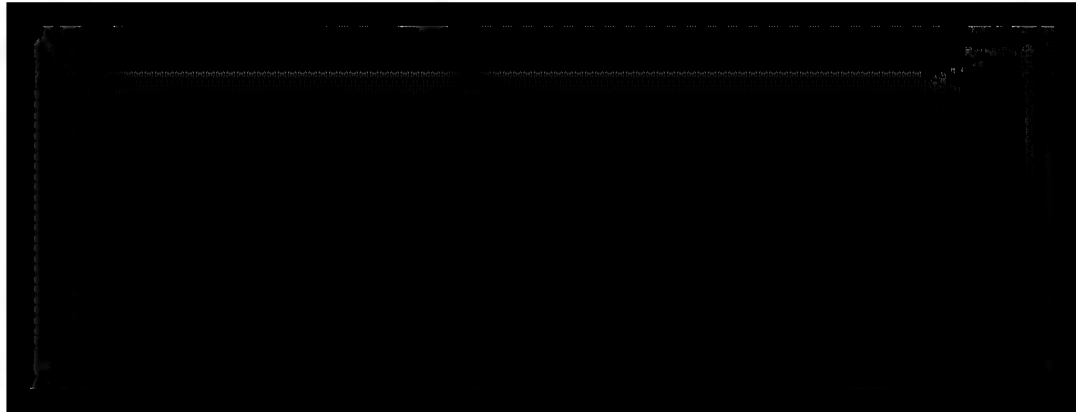
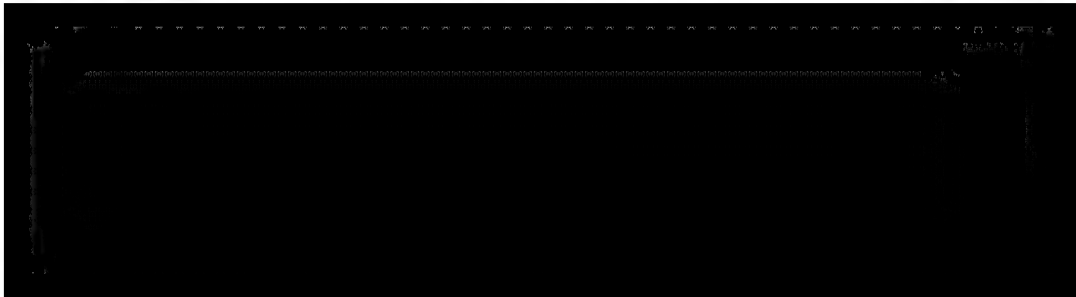
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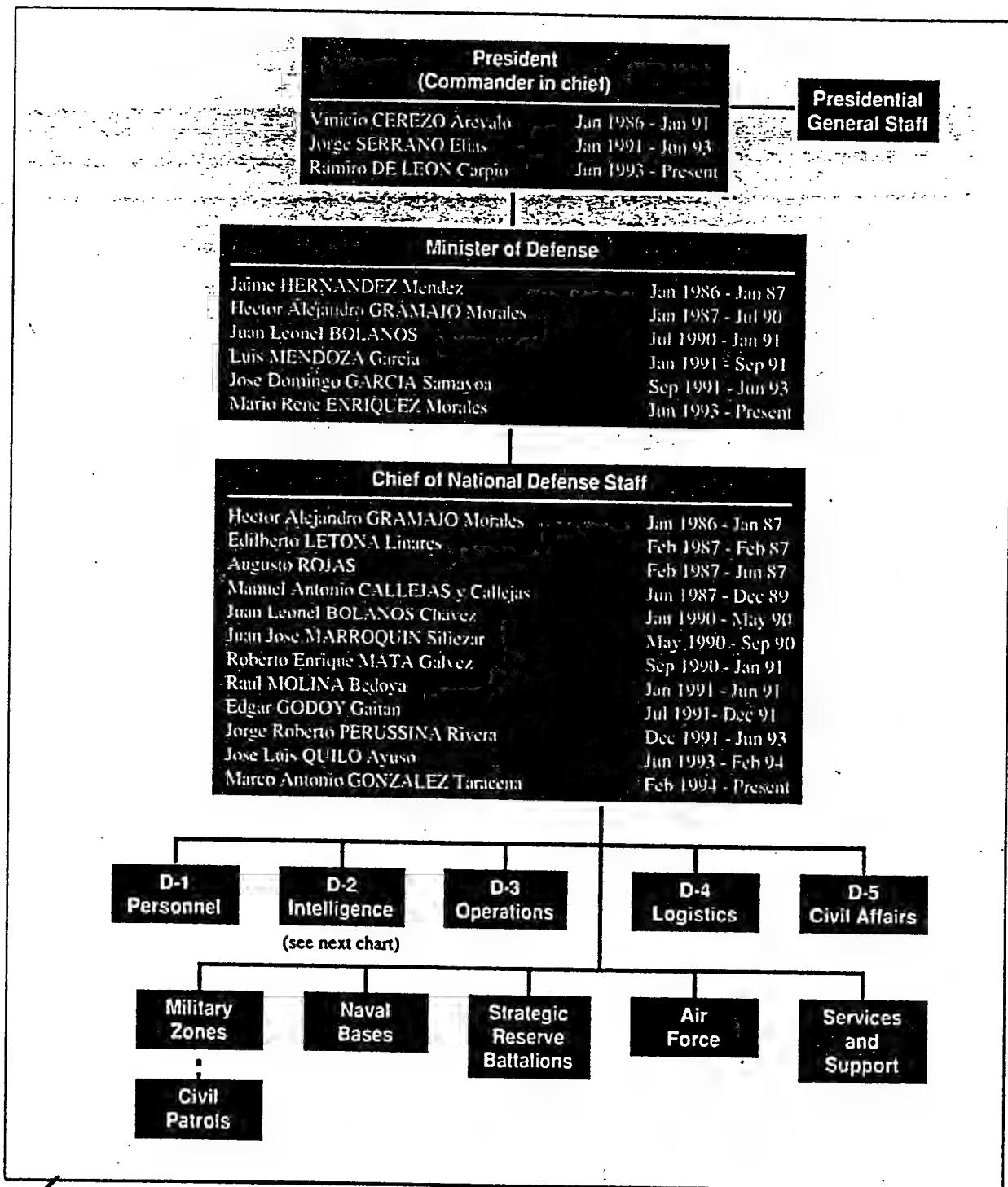
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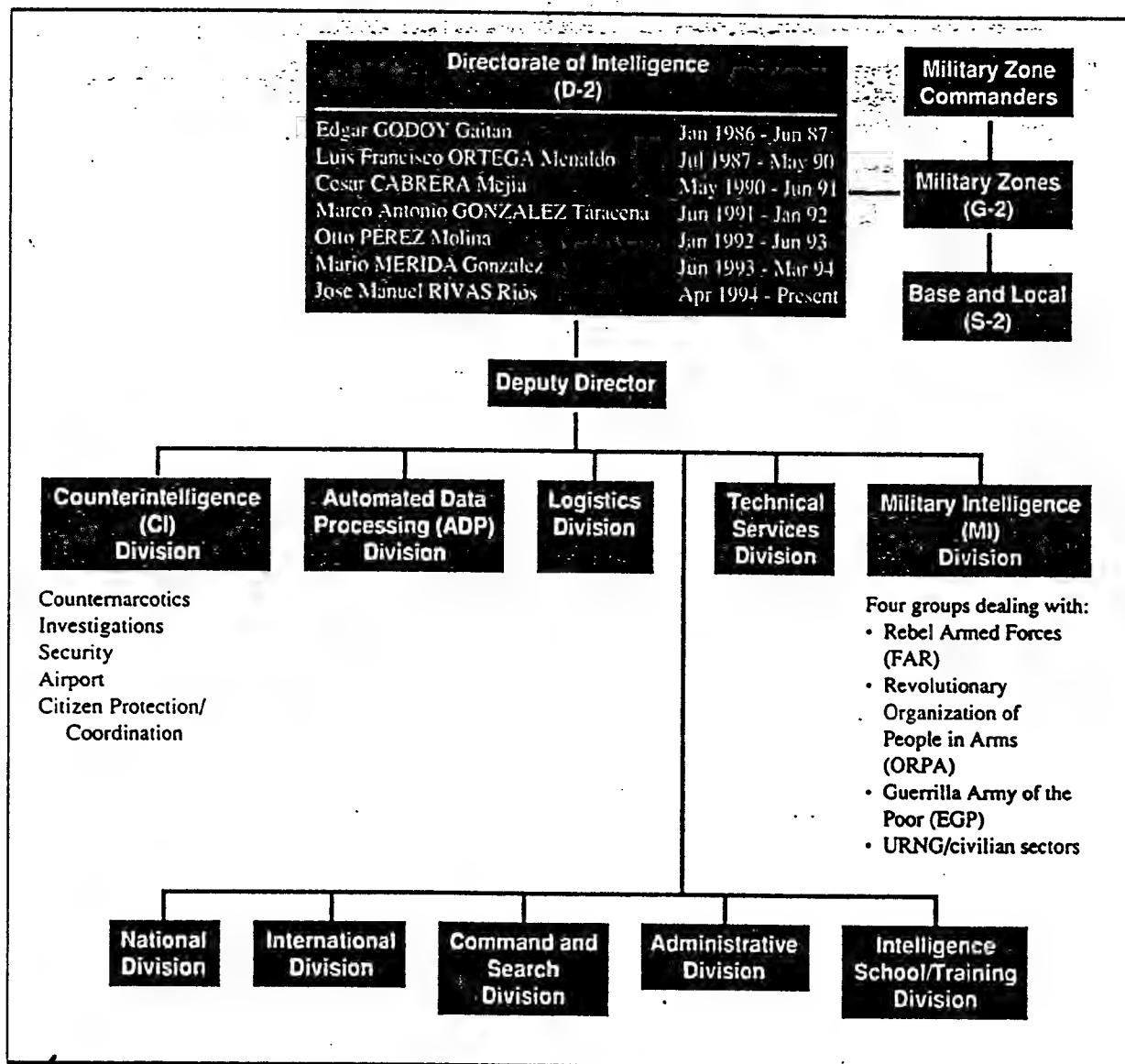
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Guatemalan Military Structure and Key Personalities



Guatemalan Directorate of Intelligence (D-2) Structure and Leadership



Secret

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WHAT INFORMATION OR ALLEGATIONS DID CIA ACQUIRE CONCERNING ALPIREZ'S KNOWLEDGE OF OR PARTICIPATION IN HUMAN RIGHTS ABUSES? WHEN WAS THE INFORMATION ACQUIRED? HOW WAS IT HANDLED? HOW RELIABLE WERE THE SOURCES OF THIS INFORMATION?

50. As explained earlier, CIA and U.S. Government file reviews were conducted in connection with [REDACTED] to maintain liaison contact with Alpirez in October 1987 [REDACTED]. Those reviews did not result in any indication that Alpirez was involved in human rights abuses.

51. August [REDACTED] 1990 Intelligence Report. [REDACTED] an account of the Army's surveillance of DeVine and a military cover-up that was then underway. This information, [REDACTED] was disseminated to specific consumers in Washington [REDACTED] on August [REDACTED] 1990.

52. October [REDACTED] 1991 Sensitive Memorandum. The first allegations found in CIA records that Alpirez may have been involved in human rights abuses were submitted to Headquarters by the Station on October [REDACTED], 1991 [REDACTED]. This information included allegations that Alpirez had been present at DeVine's interrogation and that he was violent, had killed guerrilla prisoners and was behaving erratically. It was disseminated [REDACTED] as a sensitive memorandum on October [REDACTED] 1991 to:

[REDACTED]

53. The October 1991 allegations regarding Alpirez were at odds with prior reporting about him [REDACTED] up to that time. Station officers who dealt with Alpirez are consistent in describing him as one of the best Guatemalan officers they knew; talented and well thought of by senior military officers; one of the pro-American officers; and more friendly and outgoing than most Guatemalan officers. One former Station officer comments that the Station was stunned by the report of Alpirez's bizarre behavior and that it was in conflict with everything Station officers thought they knew about the man. This Station officer notes that Alpirez would not have been put in command of the Special Forces School if he had not been a good officer and that he was definitely not viewed by the Guatemalan military as an officer with a "past"—i.e., he had no involvement in criminal activities or serious human rights abuses.


54. [REDACTED] The information provided [REDACTED] as follows:

....
[REDACTED] Guatemalan soldiers from the Military Intelligence Office (S-2) of Military Zone 23 (MZ 23), Headquarters in Santa Elena, Peten Department, were ordered to arrest and interrogate [DeVine] on suspicion of having in his possession a stolen Guatemalan army rifle, allegedly sold to him by an army deserter. MZ 23 commander Colonel Mario Roberto Garcia Catalan ordered Captain Hugo Contreras, an officer attached to the S-2, to take a number of enlisted men to the area of Poptun, Peten Department, locate [DeVine] and recover the Galil rifle.

[REDACTED] comment: Garcia had earlier been blamed for the loss of other weapons under similar circumstances, a serious black mark in his record.) Contreras arrested [DeVine] and took him to the Guatemalan military base in Poptun. The base at Poptun is the training base of the elite "Kaibil" troops, and at that time it was under the command of Lt. Colonel Julio Roberto Alpirez.

■ [DeVine] was interrogated by Contreras with Alpirez present. Contreras, a violent man with an explosive temper, well-known for his brutality, wrapped a poncho around [DeVine's] head, allowing him to breathe from time to time. Although Contreras had apparently not been ordered to kill [DeVine], the individual died either from suffocation or heart failure. After he died, the body was taken in a truck back to a highway near his home, where it was placed in the road. The rifle, allegedly in [DeVine's] possession, was not recovered. (Field Comment: The wound on the neck of [DeVine] may have been inflicted to hide evidence of earlier suffocation.)

55. The disseminated version contained one substantive change in the text. As noted above, the intelligence report submitted by the Station contained as the first sentence in paragraph 4, "[DeVine] was interrogated by Contreras with Alpirez present." In the disseminated version, the sentence was altered to read, "Alpirez, among others, was present when Contreras interrogated [DeVine]." No information has been found to indicate what Headquarters was trying to achieve by reversing the order of the sentence and inserting "among others" into the original report.



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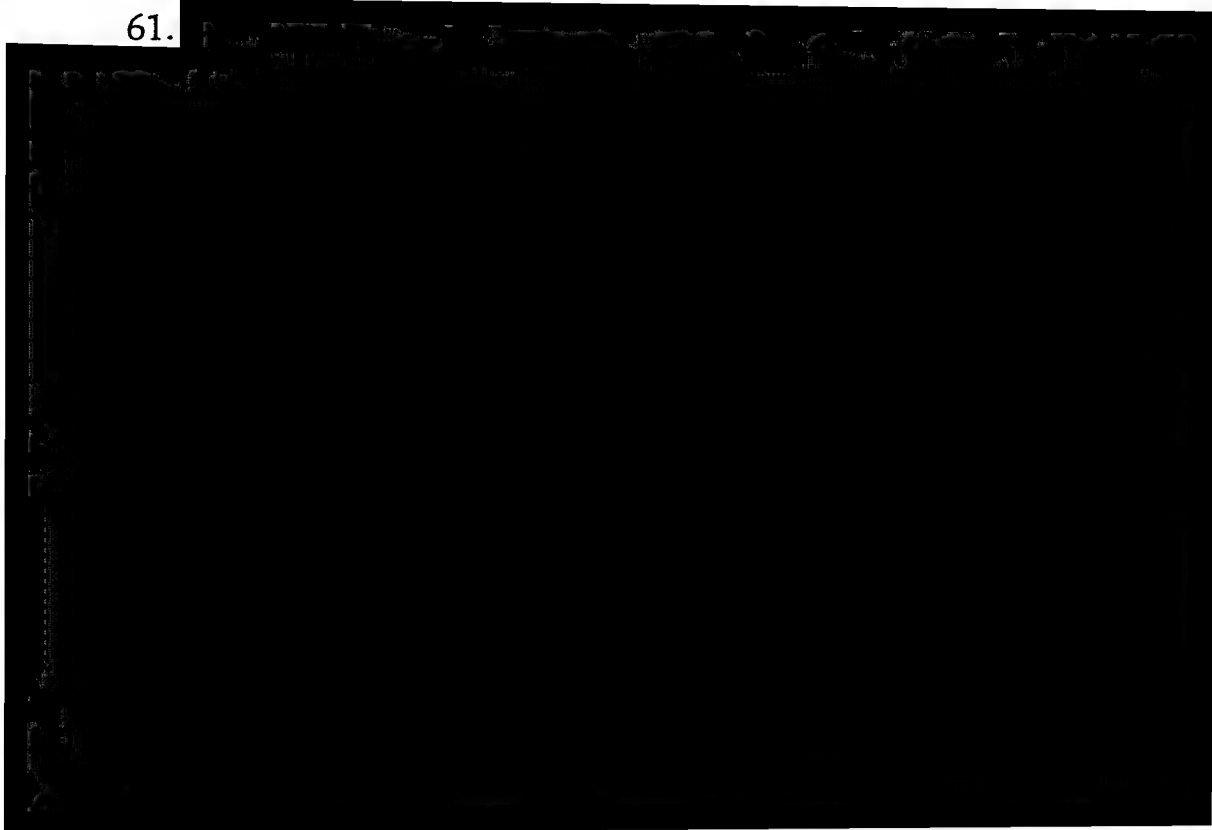
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■ Lt. Colonel Alpirez, now posted at MZ 18 with headquarters at San Marcos, is an extremely violent man who has murdered guerrilla prisoners in the past, and who recently has been observed engaging in bizarre behavior, such as walking through the town where he is currently stationed, exposing himself and firing weapons in the air. Colonel Garcia, the officer who ordered Captain Contreras to arrest [DeVine], has a personality similar to that of Alpirez. Garcia also has murdered guerrilla prisoners. Colonel Guillermo (Portillo) Gomez, the second in command of MZ 23 at the time of the killing of [DeVine], also is a violent person.

■ Following the murder of [DeVine], Alpirez made a statement in which he admitted certain aspects of the crime, carefully shielding his own participation. (Field comment: The contents of Alpirez's statement are not available.) Minister of Defense General Luis Enrique Mendoza Garcia, incensed by the statement made by Alpirez, which, if accurate, at least pointed to army involvement in the killing, ordered Alpirez to retract it. Alpirez refused to do so unless given a written order. Mendoza then removed Alpirez from command and sent him to a dangerous remote post

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in San Marcos Department. Alpirez thought better of his defiance and requested permission to retract the statement. As of this date, however, he remains posted [REDACTED] San Marcos Department. Minister of Defense General Mendoza is the individual who has blocked all efforts to investigate the [DeVine] killing, believing that he is defending the Army as an institution.

64. [REDACTED]



65. [REDACTED]




66. [REDACTED]



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[REDACTED]

67. [REDACTED]

68. [REDACTED]

69. [REDACTED]

70. May 2, 1994 Intelligence Report. [REDACTED]

[REDACTED]

[REDACTED] in Military Zone 18 (San Marcos) in March 1992 when
Guatemalan guerrilla leader Bamaca, aka "Comandante Evarardo,"
(sic) was captured. [REDACTED]

[REDACTED] Bamaca's relatively high rank within the Revolutionary Organization of People in Arms (ORPA). [REDACTED] military intelligence officers from the D-2 took Bamaca away shortly after his capture and that was the last time [REDACTED] saw Bamaca or heard anything about his status. [REDACTED]

71. [REDACTED]

72. [REDACTED]

[REDACTED] The information was disseminated [REDACTED] electronically on May 2, 1994, exclusively to:

Director, White House Situation Room;
Assistant Secretary of State for INR;
Assistant Secretary of State for Diplomatic Security;
Special Assistant to the Secretary of Treasury for
National Security;
Director, DIA;
Army Deputy Chief of Staff for Intelligence;
Director of Naval Intelligence;
Marine Corps Director of Intelligence;
Air Force Assistant Chief of Staff, Intelligence;
Director of the National Security Agency (NSA); and
[REDACTED]

73. [REDACTED]

[REDACTED]

74. October 7, 1994 testimony of former Guatemalan insurgent Santiago Cabrera Lopez. On October 7, 1994, former Guatemalan insurgent Santiago Cabrera provided information before a notary public in the law offices of Jose Pertierra in Washington, D.C. According to the written account of Cabrera's testimony, Bamaca had commanded the insurgent front to which Cabrera had belonged for a year and nine months until March 8, 1991, when Cabrera was captured by the Guatemalan military. In his lengthy testimony, Cabrera claimed to have seen Bamaca at various times during his captivity, beginning on March 12, 1992 at the Santa Ana Berlin base at Coatepeque in Quezaltenango Department. Cabrera said Bamaca was taken away from Santa Ana Berlin on April 15, 1992.

75. Cabrera said he next saw Bamaca at the Military Zone 18 base in San Marcos Department on approximately July 18, 1992. Cabrera stated that Alpirez arrived that afternoon and ordered that Bamaca was not to remain in the company of the other prisoners of war. Cabrera claims that he was ordered that night to take care of Bamaca, who was handcuffed and tied by his feet to a metal bunk bed. The next day, Alpirez returned and cautioned him against talking about what he had seen. Cabrera said he was ordered that evening to take a typewriter into the room where Bamaca was being kept and interrogated. Cabrera said Bamaca sounded as though he were sleepy or drugged, his body was severely swollen, his right arm and left leg were completely bandaged, his eyes were bandaged as well, and a green gas tank with valves and a pressure gauge was by the bed. According to Cabrera, Alpirez was there and again warned him against talking about what he had seen, saying he did not want to hear comments about Bamaca in that condition—tied up—and that Cabrera knew what would happen to him if he talked.

76. Cabrera says he saw Bamaca for the last time one or two days later. He could not see Bamaca's arms and legs because he was dressed in a soldier's uniform, but he was no longer swollen and he

spoke with a normal voice. Cabrera said he left the base for a few days and Bamaca was gone when he returned.

77. December 2, 1994 Intelligence Report. [REDACTED]

[REDACTED] contact between Alpirez and Bamaca following Bamaca's capture.

[REDACTED] that Bamaca was captured alive in March 1992, but that he was now dead.

[REDACTED] that Alpirez had taken charge of the interrogation of Bamaca as the then-Third Commander of Military Zone 18 (San Marcos). [REDACTED]

[REDACTED] Bamaca collaborated, providing information on the location of guerrilla camps and arms caches that resulted in successful operations against his former column. [REDACTED]

[REDACTED] did not explain how he knew Bamaca had died, where he might be buried, or whether he was tortured.

78. [REDACTED]

79. [REDACTED]

[REDACTED] The Station sent the information to Headquarters on December 1, 1994 and it was disseminated [REDACTED] on December 2, 1994 to:

White House Situation Room;
INR;
DIA;

Department of the Army;
Naval Operations;
Marine Corps;
Air Force;
NSA;
Treasury;
Energy;
U.S. Southern Command;

80. [REDACTED]

81. December 12, 1994 Station Report. On December 12, 1994, the Station submitted to Headquarters an operational cable stating

[REDACTED] that Alpirez, Major Raul Oliva Germeno, and Colonel Edgar Leonel Godoy all worked with Bamaca after his capture in the San Marcos area. [REDACTED]

[REDACTED] did not know whether Bamaca was still alive or dead but

[REDACTED] that Bamaca was not killed in San Marcos.

82. January 25, 1995 Intelligence Report. [REDACTED]

[REDACTED] concerning contact between Alpirez and Bamaca after Bamaca's capture.

[REDACTED] it was known within the senior ranks of the Army that Alpirez was the individual who killed Bamaca, but that senior officers had decided not to do anything with the information. [REDACTED]

[REDACTED] The Station submitted the information to Headquarters on January 25, 1995.

83. [REDACTED]

84. [REDACTED] information that Alpirez killed Bamaca was disseminated [REDACTED] on January 25, 1995 exclusively to:

Director, White House Situation Room;
 Assistant Secretary of State for INR;
 Assistant Secretary of State for Diplomatic Security;
 Army Deputy Chief of Staff for Intelligence;
 Director of Naval Intelligence;
 Marine Corps Director of Intelligence;
 Air Force Assistant Chief of Staff, Intelligence;
 Director, NSA;
 Special Assistant to the Secretary of Treasury for National Security;

85. A January 25, 1995 operational cable from the Station providing details to the DO at Headquarters concerning the manner in which the information was obtained [REDACTED]

[REDACTED]

86. [REDACTED]

[REDACTED]

that Bamaca was alive but made no mention of Alpirez. (This information was included with information concerning clandestine prisons in an intelligence report that was disseminated as a sensitive memorandum on July 6, 1993.) On January 11, 1995, the Station commented in an operational cable to Headquarters that, [REDACTED]

[REDACTED] that one of the original investigators of the Bamaca case had proof that Bamaca had committed suicide, [REDACTED]

[REDACTED] Again, Alpirez was not mentioned.

[REDACTED]

87. [REDACTED]

[REDACTED]

88. [REDACTED]

[REDACTED]

[REDACTED]

89. Deputy Chief LA Division [REDACTED]

[REDACTED] does not recall any discussion within LA Division of attempting to confirm the information in the January 25, 1995 report: [REDACTED]

[REDACTED]

90. January 26-31, 1995 Meetings with NSC Staff. Four meetings were held at the National Security Council (NSC) between January 26 and 31, 1995 to discuss the January 25 report and how it could be used in a demarche to the Guatemalan Government. Those meetings included representatives from the NSC, CIA, State, and the Office of the Vice President. DoJ representatives attended three of the meetings

91. The first of these meetings was held on January 26, 1995 and, according to a memorandum regarding the meeting that was prepared by [REDACTED] [REDACTED] was attended by [REDACTED] NSC members Richard Feinberg, George Tenet, and Chat Blakeman, State Department Deputy Assistant Secretary (DAS) for Central American Affairs Anne Patterson, Colonel Richard Wilhelm from the Office of the Vice President, and an unidentified DoJ official. At this meeting, the CIA representatives expressed concern about the requirement to provide early notification regarding the information to the intelligence oversight committees of the Congress. The NSC members asked CIA to defer temporarily any notification of the oversight committees to permit policy-makers to complete their strategy and prepare a demarche for Ambassador Marilyn McAfee to present to the Guatemalan Government. After the fourth meeting on January 31, 1995, a demarche mentioning Alpirez by name was prepared, sent to the Embassy and presented by

Ambassador McAfee to Guatemalan President Ramiro de Leon Carpio on February 6.

92. Tenet, now Deputy Director of Central Intelligence, states that the reasons the NSC members asked the CIA representatives to delay notifying Congress were:

- To have time to structure the demarche;
- To ensure that the National Security Advisor and the President were informed;
- To allow time to respond to an undefined problem that Patterson said the Embassy had with the January 25 report.

93. Based on the NSC request, CIA delayed advising the intelligence oversight committees until February 3, 1995, after the fourth meeting. The committees were told on February 3 of the January 25 intelligence report that Alpirez had killed Bamaca, [REDACTED] and the October 1991 allegations that Alpirez had been present at the interrogation of DeVine.

94. Agency DI Analysis. At the first meeting with NSC officials, Feinberg asked, among other things, for an analysis of all available data that linked Alpirez to Bamaca's death. [REDACTED]

[REDACTED]

95. The DI analysis was produced on January 27 by [REDACTED]
[REDACTED]
[REDACTED] of the DI's Office of African and Latin American Analysis (ALA). This analysis stated,

We have no firsthand accounts of Bamaca's fate, but have received a number of reports indicating that he was captured alive and killed while

in custody of the military. There is significant circumstantial evidence to suggest that Alpirez was at least the intellectual author of Bamaca's death.

96. To support these statements [REDACTED] refers to three intelligence reports—the January 25, 1995 intelligence report [REDACTED] that it was "known that within the senior ranks of the Army that Alpirez was the individual who killed Bamaca;" the December [REDACTED] 1994 intelligence report [REDACTED] that Alpirez had taken charge of Bamaca's interrogation; and the May [REDACTED] 1994 intelligence report in which Alpirez, [REDACTED] [REDACTED] had interviewed Bamaca after his capture. [REDACTED]

97. The January 27 analysis also stated, "Alpirez has a history of human rights violations." To support this statement, [REDACTED] cites the October 17, 1991 report that Alpirez was present at DeVine's interrogation, was violent and had killed guerrilla prisoners and a [REDACTED]

98. Not until the end of the DI analysis was it mentioned that other reports¹² indicate Bamaca was not killed in San Marcos and was taken away by D-2 personnel. The DI analysis also did not refer to the December 12, 1994 operational cable in which [REDACTED]

11 [REDACTED]

12 The May [REDACTED] 1994 intelligence report and [REDACTED]

reported the comments of [REDACTED] who said Alpirez, Oliva and Godoy had worked with Bamaca after his capture and had assured [REDACTED] that Bamaca was not killed in San Marcos.

99. At the second meeting with NSC members, on January 27, 1995, [REDACTED] and Chief of LA/ [REDACTED] presented the DI analysis and other information concerning Bamaca and Alpirez to NSC members Feinberg and Blakeman, DAS Patterson, and Colonel Wilhelm. According to a memorandum concerning this meeting that was prepared by [REDACTED] DoJ did not send a representative to this meeting. [REDACTED] noted the judgment in the DI analysis that there was "significant circumstantial evidence to suggest that Alpirez was at least the intellectual author of Bamaca's death." The [REDACTED] memorandum contains no indication that there was any discussion of seeking additional information concerning whether or not Alpirez actually was involved in, or who else might have been responsible for, Bamaca's death.

100. The third meeting was held on January 30 and attended by [REDACTED] Feinberg, Blakeman, Bruce Pease of the NSC, Director of State Department's Office of Central American Affairs John Hamilton, Wilhelm, and Mary Ellen (Molly) Warlow of DoJ. At this meeting, according to a memorandum prepared by [REDACTED] Hamilton provided copies of a January 30, 1995 message from Ambassador McAfee raising concerns about the circumstantial nature of the evidence that was being relied upon in linking Alpirez to Bamaca's disappearance. [REDACTED]

[REDACTED] Feinberg requested a DI briefing and written comment on McAfee's message.

101. In her message, Ambassador McAfee pointed out that the information in the January 25 report regarding Alpirez and Bamaca was second-hand and possibly no more than rumor. She stressed the need for corroboration before acting on it, asked that past reporting

concerning Bamaca be taken into account and questioned the conclusions in the January 27 DI analysis. The message also included a review of earlier reporting concerning Bamaca and, while acknowledging Alpirez's negative reputation, questioned whether he could be condemned for having killed Bamaca solely on the basis of one report. McAfee also pointed out that Alpirez was unpopular within the Army and noted the possibility that he was being set up as a scapegoat. She expressed concern about [REDACTED] welfare and about damage to the peace process in Guatemala if a demarche were issued. She asked that [REDACTED] be consulted as to how a demarche would affect him and requested that the allegations be investigated before a demarche was made.

102. In response to Feinberg's request that the DI provide a comment regarding McAfee's message, [REDACTED] produced the following analysis on January 31:

31 January 1994 [sic]

[McAfee] cable...: "Alpirez, who was the San Marcos base third commander, took part in the interrogation of Bamaca. The extent of his involvement is not known. One [CIA] report says Alpirez was in charge of the interrogation. A DIA report states [REDACTED] interrogated Bamaca, though this does not rule out others took part. The reports generally agree that Army intel took charge of Bamaca's interrogation and whereabouts, standard operating procedures (SOP) for captured guerrillas."

[DI] Comment: [REDACTED]

[McAfee] Cable...: "As a third commander, Alpirez would not normally have been 'in charge' of the interrogation. This would have been left to the D-2/G-2. Nonetheless, Alpirez had frequent intel assignments and, as such, it is plausible he was involved, but we would feel more comfortable having the opportunity of corroborating this."

[DI] Comment: [REDACTED]

[McAfee] Cable...: "...But can we say he killed Bamaca on the basis primarily of one intel report reporting rumors circulating in the Army?...Again, no report quotes an eyewitness who saw Bamaca's actual death."

[DI] Comment: [REDACTED]

[McAfee] Cable...: ".....It is not out of the realm of reason he is being set up on the off-chance a scapegoat is later needed....."

[DI] Comment: [REDACTED]

103. A memorandum prepared by [REDACTED] concerning the fourth meeting, held on January 31, 1995, states that DI analysts had prepared the written analysis Feinberg had requested and were able to satisfy NSC and State representatives that there was a strong circumstantial case against Alpirez. Participants in this meeting were the same individuals who attended the January 30 meeting.

104. March 27, 1995 interview of Alpirez by the Guatemalan Public Prosecutor. On March 27, 1995, Alpirez was interviewed at the Public Prosecutor's Office in Guatemala City in connection with the Guatemalan special investigation into Bamaca's disappearance. According to a transcript of the interview [REDACTED] he was asked when he had served in the D-2. He replied that he had worked in the D-2 as Chief of Administration from 1981 to 1984. In response to specific questions, Alpirez said that he was named Third Commander of MZ 18 (San Marcos) on January 1, 1992 and was transferred to another post on November 30, 1992.¹³ He said he served in San Marcos for 11 months and his duties consisted of assisting the Second Commander of MZ 18 in coordinating the activities of the General Staff, monitoring the upkeep of the base facilities, and supervising the mechanical services and enlisted men's training.

105. Alpirez specified that, as Third Commander, he was in command of no units and had no troops under his command.¹⁴ He took part in no missions because his work was done at command headquarters, although he occasionally oversaw administrative aspects of the detachments. He denied knowledge of military operations conducted against insurgents in Quezaltenango Department and Military Zone 18 and pointed out that, jurisdictionally, Quezaltenango Department is independent of

¹³ There is conflicting information concerning exactly when Alpirez left the position as head of the Special Forces School and when he arrived in San Marcos as Third Commander. A May 31, 1991 [REDACTED] message described Alpirez as "former commander of the Poptun 'rangers' training base." A June 4, 1991 Station cable described Alpirez as "ex-commander of the Special Forces (Kaibiles) School. A September 25, 1991 Station cable states that Alpirez recently has been reassigned to a new post. The October 17, 1991 intelligence report states that Alpirez was posted to Malacatan, which is about an hour drive from the town of San Marcos in San Marcos Department. [REDACTED]

Military Zone 18 (San Marcos). He stated that he was not aware of any capture of insurgents while he was Third Commander of Military Zone 18. He denied knowing anything about the capture of Santiago Cabrera, said he had not spoken with Cabrera, and claimed that interrogating prisoners was not among his duties. Alpirez denied knowledge of Bamaca's capture, interrogation, or being moved among various military units.

106. April 10, 1995 Independent Analysis. An independent analysis of the Alpirez case was produced on April 10, 1995 by [REDACTED] one of the DI analysts who had participated in the DO/DI working group that produced background information for ADCI Studeman in connection with the April 5, 1995 SSCI hearing on Agency activities in Guatemala. [REDACTED] drafted a memorandum addressed to the DDI, DDO and Executive Director. The memorandum went no further than the DDI, however. In his memorandum, [REDACTED] raised questions regarding the validity of the October 17, 1991 intelligence report and referred to a fundamental failure to do the basic homework that was needed in this case.

107. [REDACTED] analysis points out the contradictions between the October 17 report and earlier Embassy and CIA reports concerning DeVine's death. The analysis identifies other information submitted by the Station and Embassy that shows that Alpirez was one of the most prominent members of the Guatemalan officer corps and attempted to resist the cover-up of the military's involvement in DeVine's killing. [REDACTED]

[REDACTED]

108. Concerning Bamaca, [REDACTED] analysis states that the January 25, 1995 report seems to provide strong circumstantial evidence concerning Alpirez's involvement in the death of Bamaca.

However, once the extent to which Alpirez had become an outcast in Guatemalan military circles as the result of his stance on DeVine's killing is recognized, the "table-talk" of two officers stating that his role in Bamaca's death was known in the military takes on a different light. Per [REDACTED] if the Guatemalan military wanted to identify a scapegoat for the death of Bamaca, Alpirez would be a prime candidate. The [REDACTED] analysis does not assert that Alpirez is innocent in the question of Bamaca's fate, but suggests keeping an open mind in the matter.

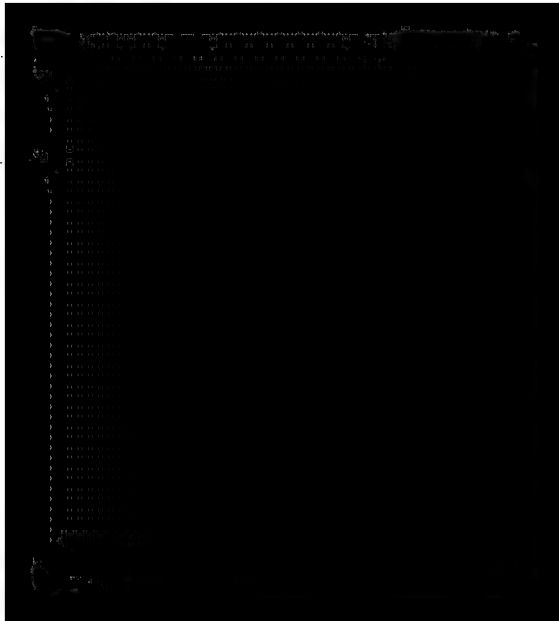
109. April 26, 1995 State Department Telegram. On April 26, 1995, State Department sent a telegram about a meeting the day before between Guatemalan Ambassador to the U.S. Edmond Mulet and ARA Director of Central American Affairs Hamilton. According to the telegram, Mulet said during this meeting that he had spoken with Alpirez during his visit to Guatemala and Alpirez had admitted to participating in a massive, centrally organized cover-up of military involvement in DeVine's killing. This cover-up had been organized by [REDACTED]

[REDACTED] According to Mulet, Alpirez had made a tape of an interview with [REDACTED] which Alpirez protested the cover-up as unsustainable and [REDACTED] pointed out that both he and Alpirez were under orders from [REDACTED] to limit damage to the military in the DeVine case.

110. [REDACTED]

[REDACTED]

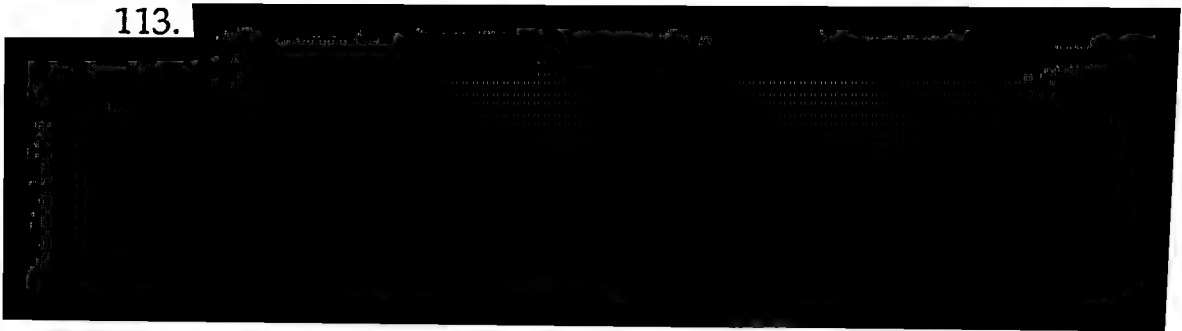
111.



112.



113.



114.



[REDACTED]

[REDACTED] that Bamaca had been turned over to the D-2. The Station reported this to Headquarters on May 19. The November 1994 information had not mentioned Alpirez and had been disseminated on November 19, 1994 [REDACTED]

[REDACTED]

115. [REDACTED]

[REDACTED]

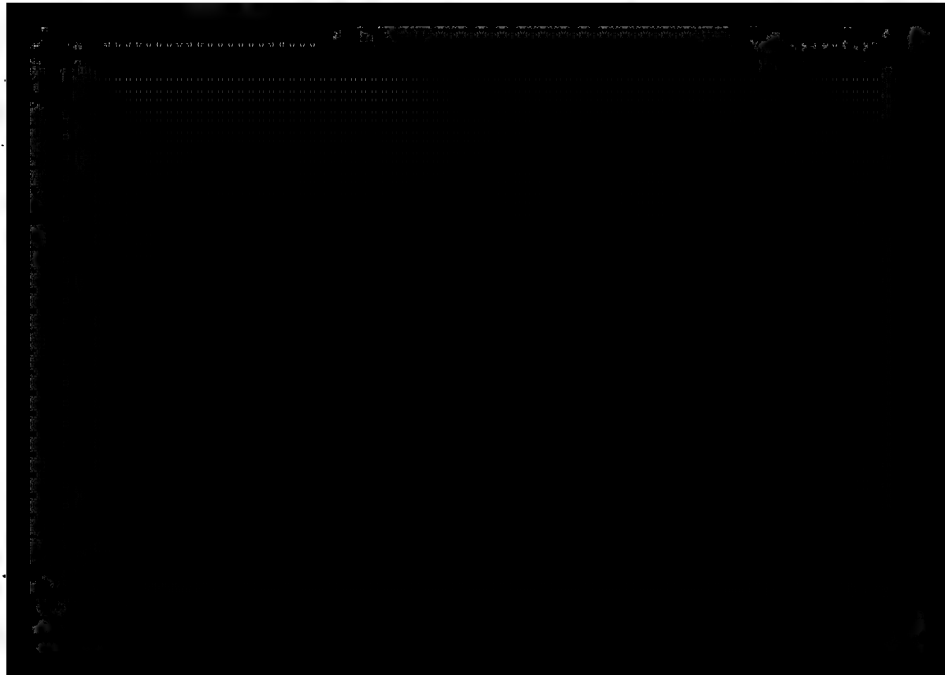
116. May [REDACTED] 1995 Intelligence Report. [REDACTED]

[REDACTED]

[REDACTED] that Alpirez and former MZ 23 Commander Garcia Catalan, who were suspended from the military on April 26, 1995 pending investigation into allegations about their involvement in DeVine's death, are scapegoats being offered by the Ministry of Defense in an effort to protect retired senior officers.

[REDACTED] believe that Alpirez did not know about DeVine's killing until afterward and only assisted in the cover-up of the murder on orders from more senior officers.

The Station originally submitted this information in a May [REDACTED], 1995 operational cable. Headquarters asked the Station to resubmit the information on a intelligence report. The Station did so on May [REDACTED] and it was disseminated [REDACTED] on May [REDACTED], 1995 to:



117. The May [REDACTED] 1995 operational cable that had originally been submitted by the Station explained [REDACTED] the Defense Ministry was searching for a sacrificial lamb in an effort to resolve the DeVine case and that Alpirez and, to a lesser extent, Garcia Catalan were being offered up. [REDACTED] Captain Contreras [REDACTED] had not killed DeVine, but that one of the enlisted men who captured and interrogated DeVine had killed him.

118. May 13, 1995 [REDACTED] Report. The [REDACTED] reported on May 13, 1995 that [REDACTED]

[REDACTED] Alpirez, who was feeling extremely pressured and nervous and believed that the brunt of the accusations in the DeVine case were being leveled against him. [REDACTED] Alpirez was thinking of confessing to perjury and obstructing justice

in the trial of the Guatemalan military personnel accused of killing DeVine. This would permit Alpirez to reveal all he knows about the killing and clear himself of accusations that he was involved. He would implicate in the cover-up many Guatemalan military officers, including some still on active duty.

119. [REDACTED]

[REDACTED]

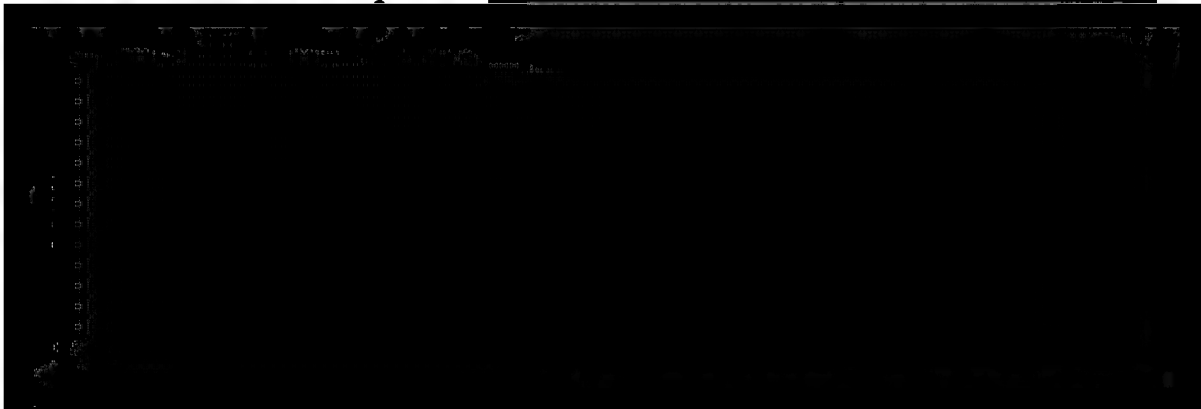
120. [REDACTED]

[REDACTED]

121. May 1995 Intelligence Report. [REDACTED]

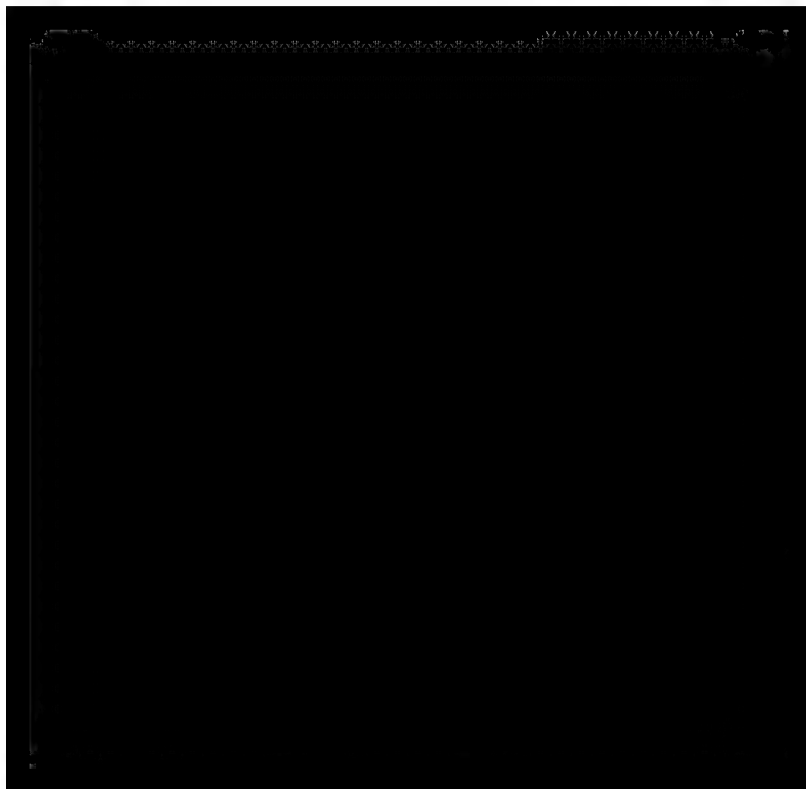
[REDACTED]
[REDACTED] that Alpirez was not involved in Bamaca's death.
[REDACTED] that Bamaca

was turned over to military intelligence officers in Guatemala City
sometime after his capture. [REDACTED]



[REDACTED] that Alpirez had made an offer to
Defense Minister General Mario Rene Enriquez Morales to take
responsibility for "the Bamaca situation" to save the Army's image,
but Enriquez did not accept.

122. The Station submitted the information to Headquarters on
May [REDACTED] 1995. It was disseminated [REDACTED] on
May [REDACTED] to:



123. [REDACTED]

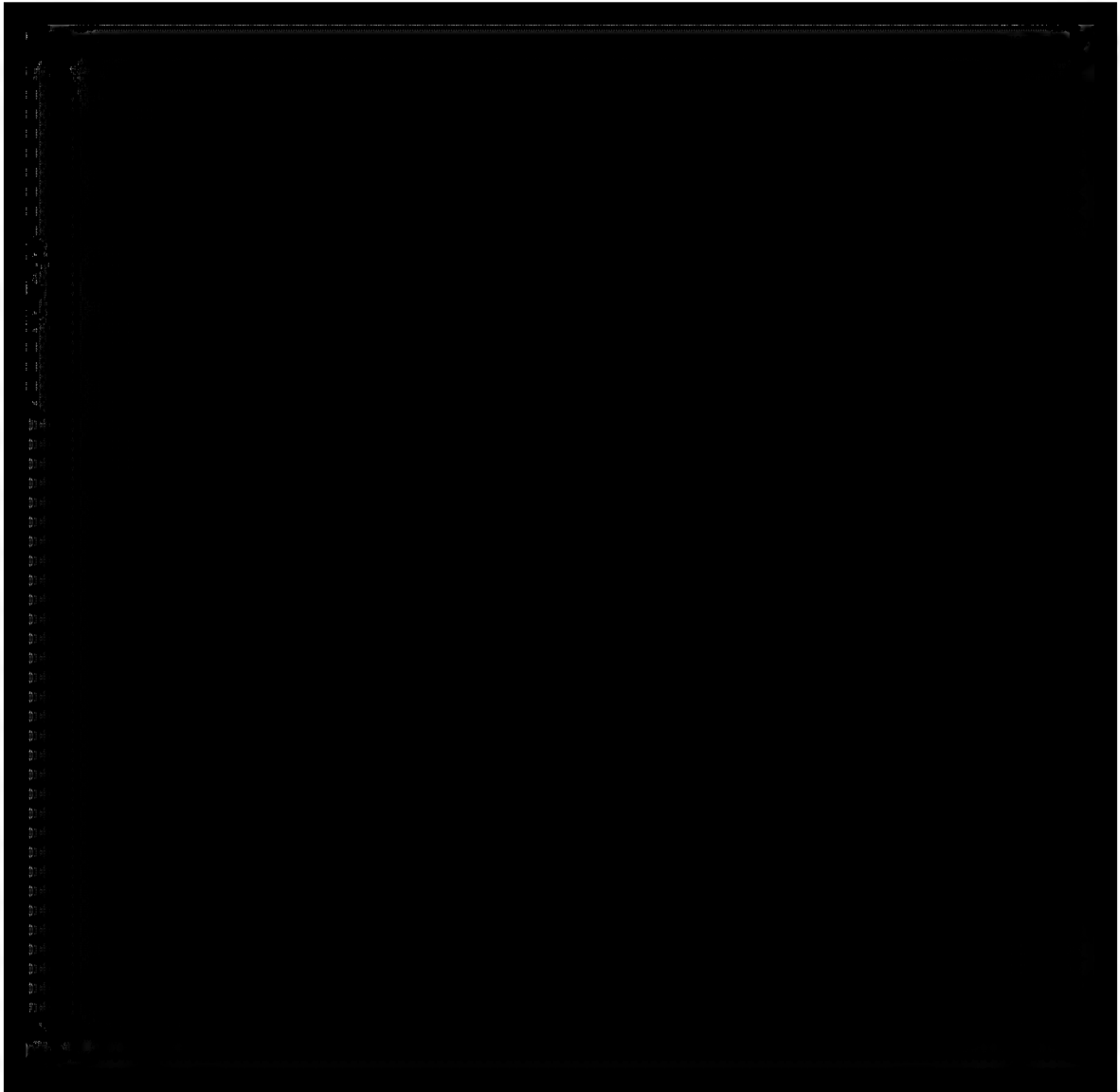
124. May [REDACTED] 1995 Intelligence Report. [REDACTED]

[REDACTED] maintained that he had nothing to do with DeVine's killing. [REDACTED] that when the team of enlisted men arrived, he refused to admit them to the Special Forces training base and the team then went to a local drinking establishment. [REDACTED] he had no prior knowledge of the team's intent to apprehend and interrogate DeVine.

125. On May [REDACTED] Headquarters instructed the Station to resubmit the information as an intelligence report. The Station submitted the report to Headquarters on May [REDACTED] and it was disseminated [REDACTED] on the same day to:



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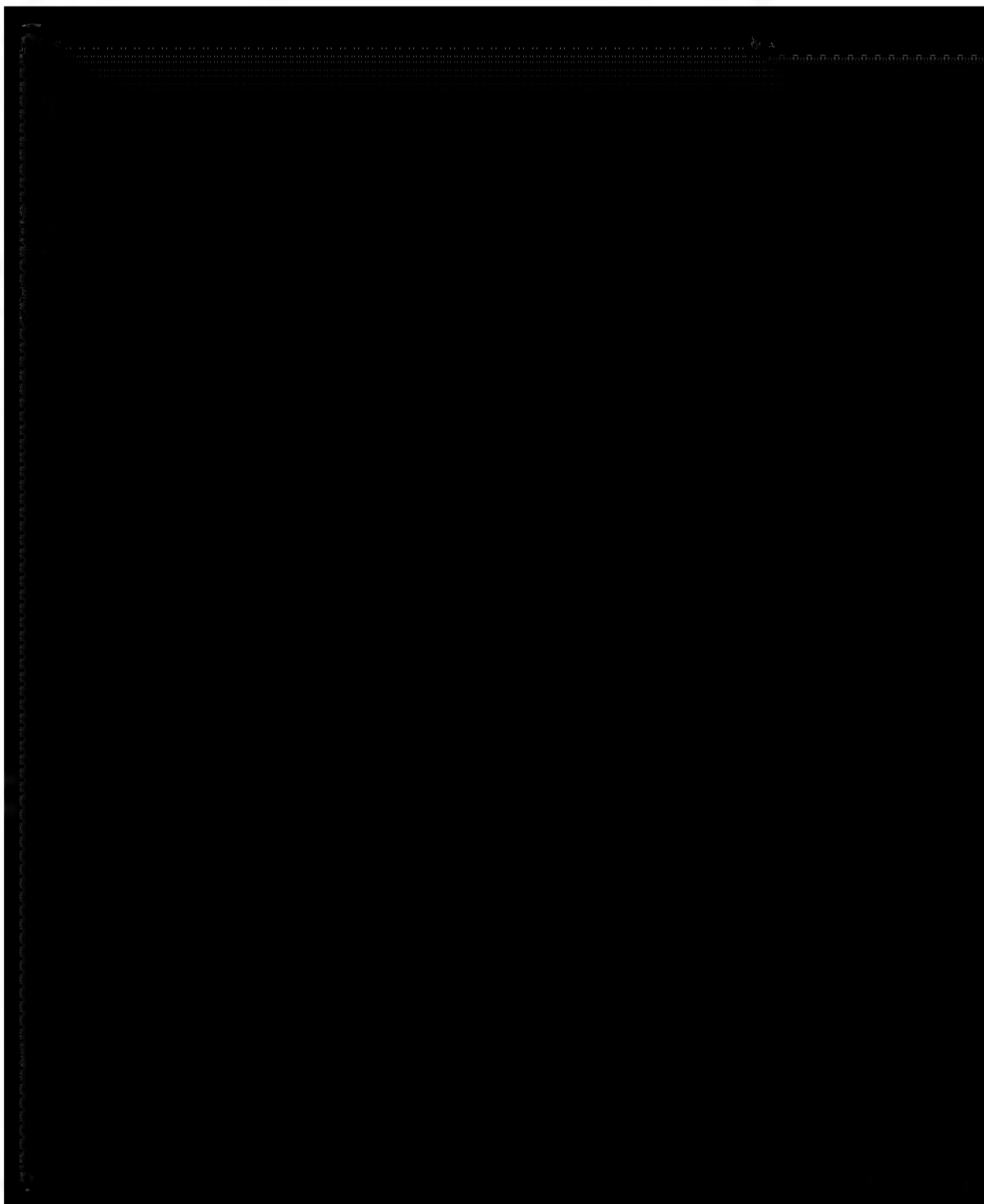
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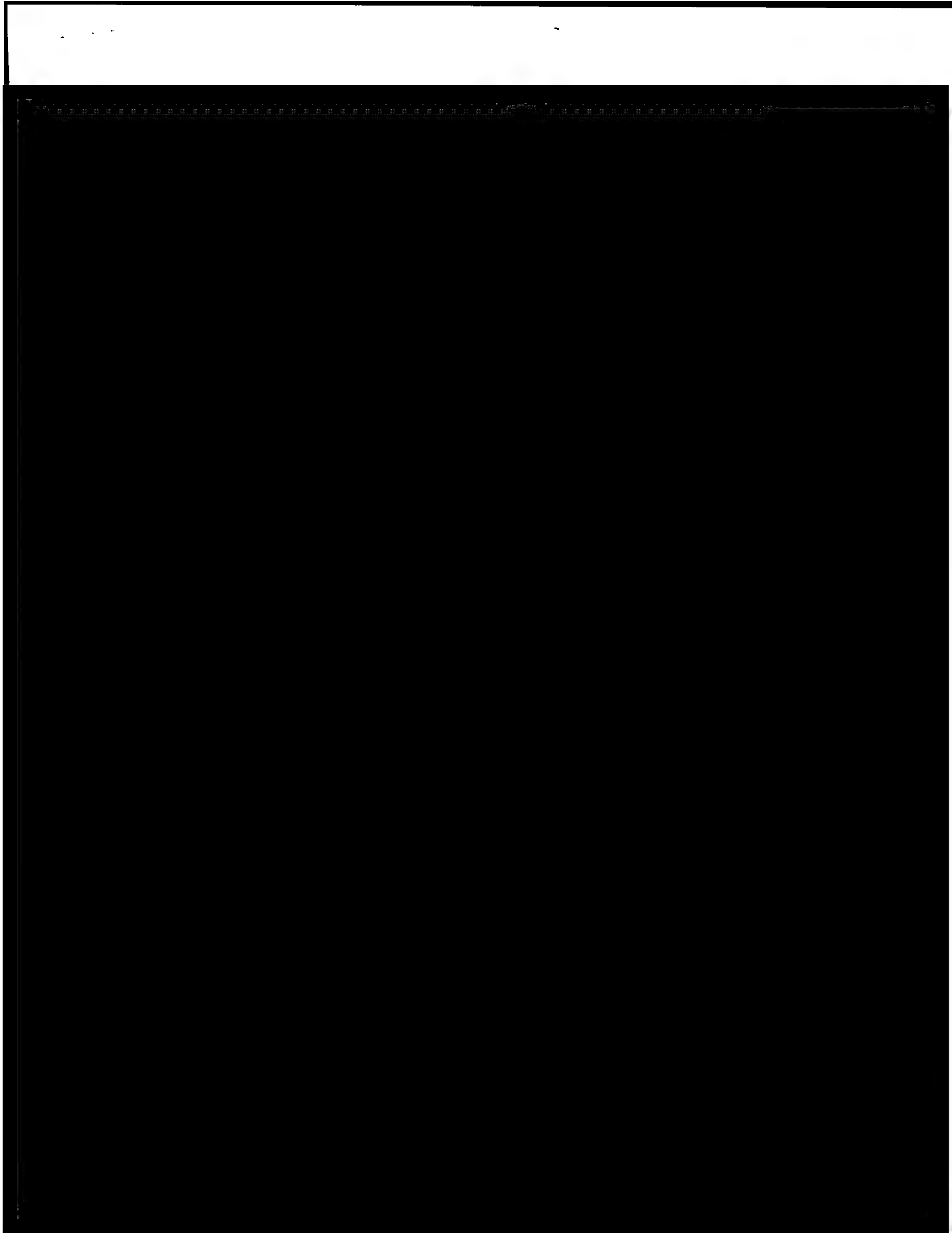
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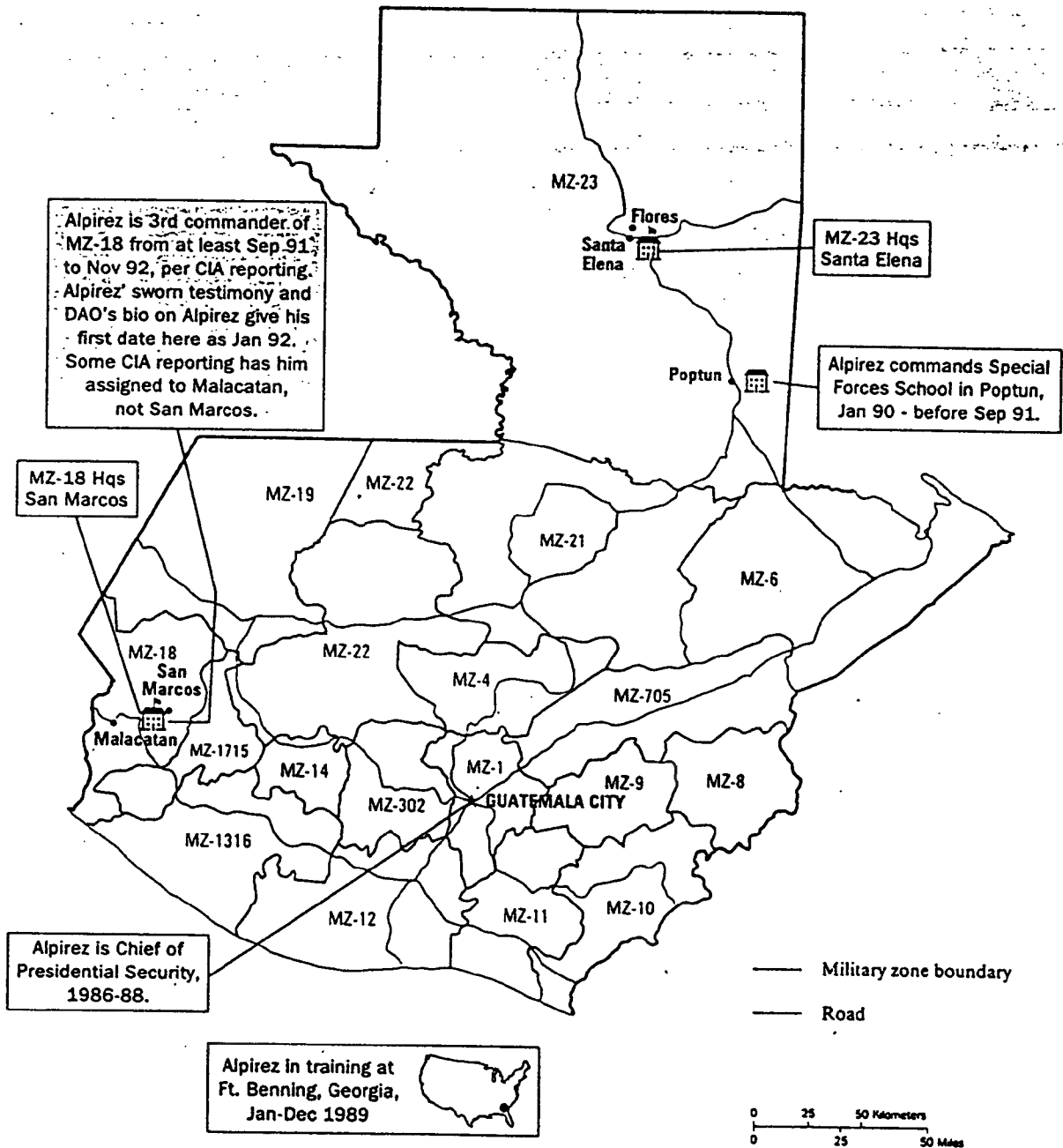
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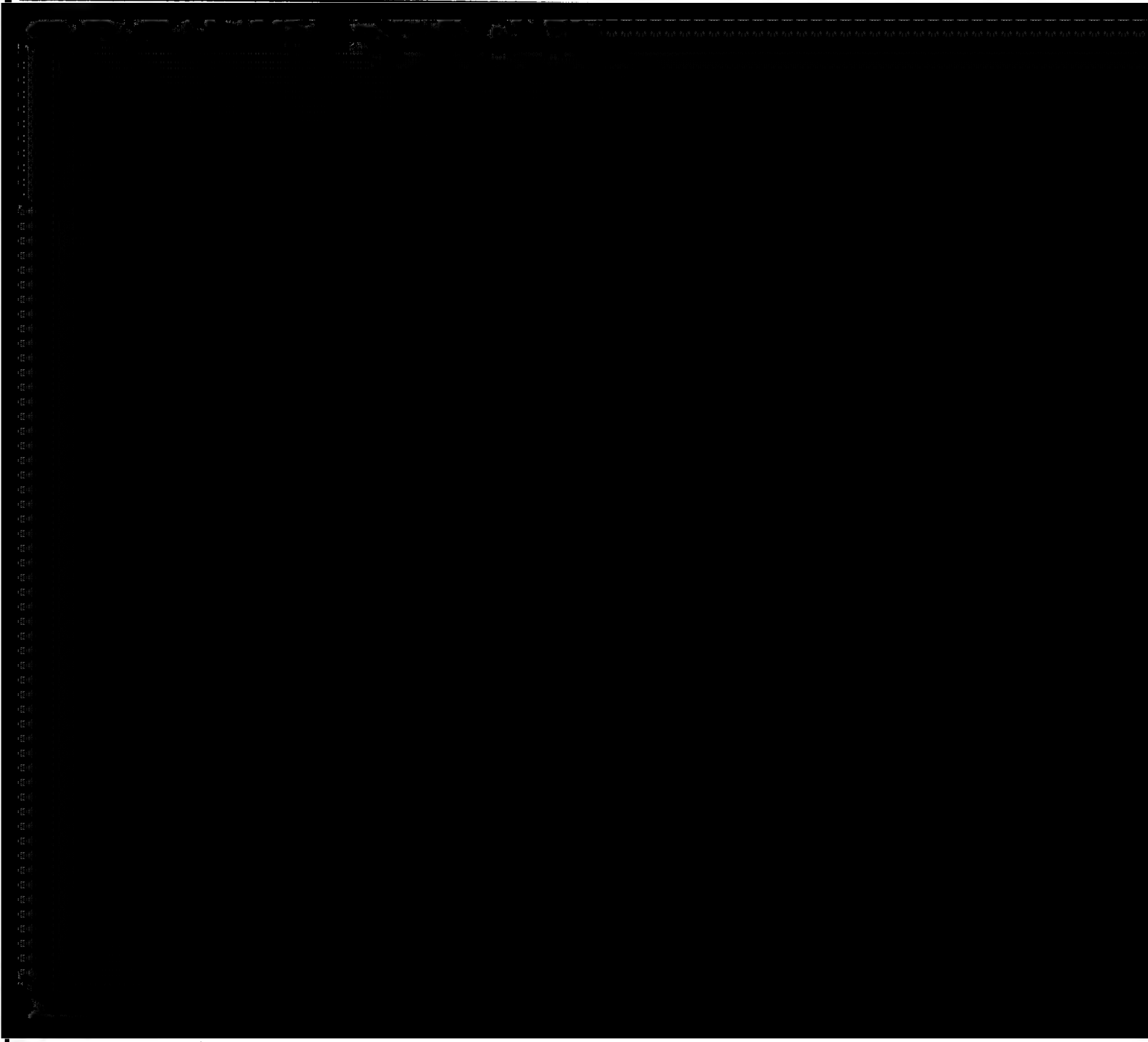




Guatemala: Key Alpirez Assignments and Locations



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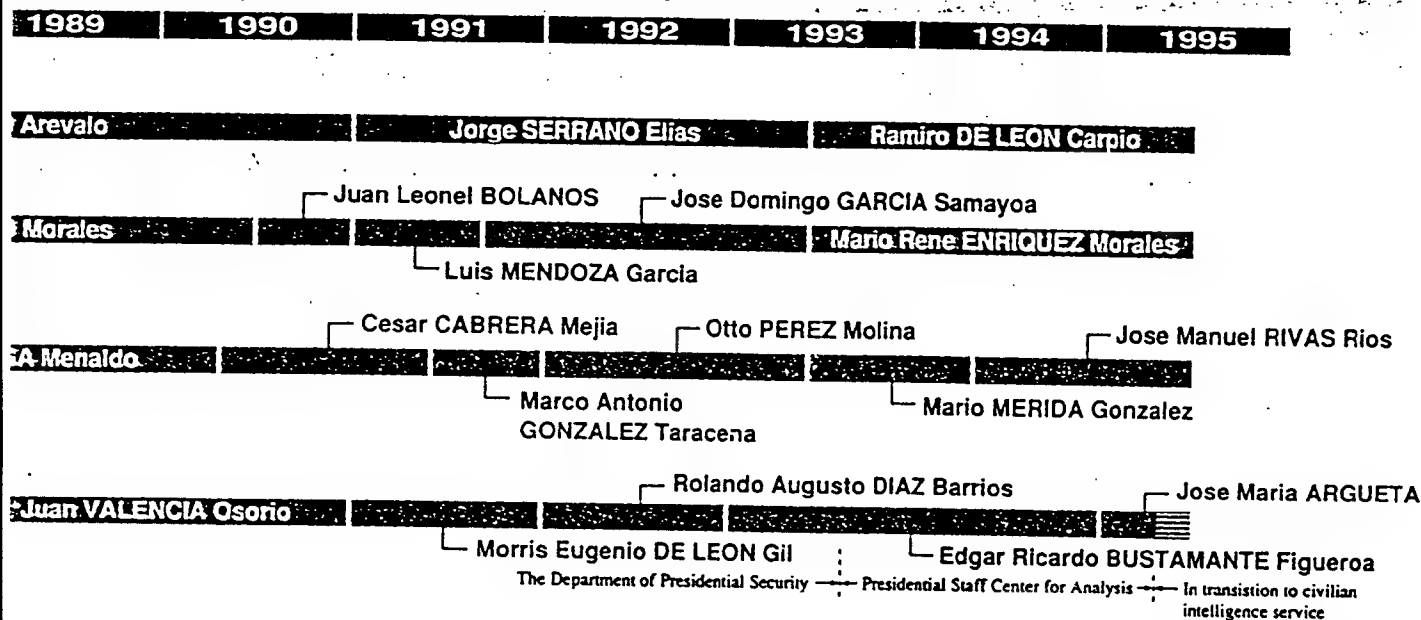


Occupants of Senior Guatemalan Positions

	1987	1988	1989	1990	1991	1992
President	Vinicio CEREZO Arevalo				Jorge SERRANO Elias	
Minister of Defense	Hector Alejandro GRAMAJO Morales			Juan Leonel BOLANOS		Jose Doi
				Luis MENDOZA Garcia		
D-2 Army Head	Edgar GODOY Gaitan	Luis Francisco ORTEGA Menaldo			Cesar CABRERA Mejia	Otto f
				Marco Antonio GONZALEZ Taracena		
Head of Center for Analysis ("Archivos") and predecessor organizations	Julio Roberto ALPIREZ	Juan VALENCIA Osorio			Morris Eugenio DE LEON	
				Rolando		
				The Department of Presidential Se		

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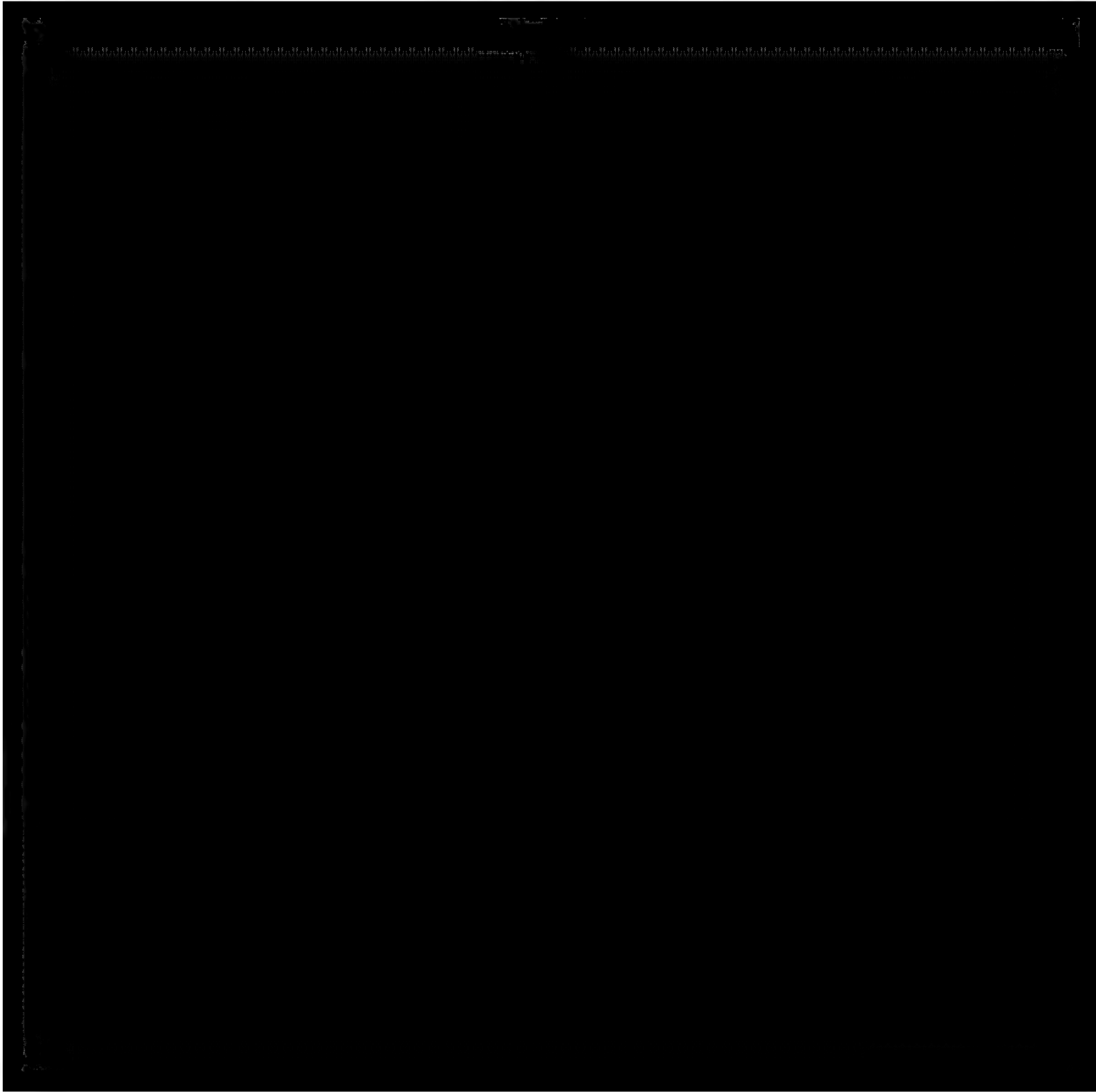
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.....

Chronology: Key Events Pertaining to Julio Roberto Alpirez

1987	
1987	James Michel is Ambassador to Guatemala. [REDACTED]
Early 1987	Station contact with Alpirez begins in liaison context.
[REDACTED]	[REDACTED]
1988	
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
August	Station reports information alleging Alpirez is involved in narcotics trafficking and says additional information would be provided. No follow-up report.
1989	
January 1989	Alpirez enters Command and General Staff Course.
[REDACTED]	[REDACTED]
October 18	Thomas Stroock becomes Ambassador to Guatemala.
December	Alpirez returns to Guatemala
1990	
January 8, 1990	Alpirez assigned as Commandant of Special Forces School in Poptun.
[REDACTED]	[REDACTED]

June 9	U.S. citizen Michael DeVine is found dead on a road near his home.
August [REDACTED]	Alpirez [REDACTED] on June 8, enlisted men came to his base before surveilling DeVine. Military cover-up underway and Alpirez being pressured to retract his statement.
[REDACTED]	[REDACTED]
1991	
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
October [REDACTED]	Station forwards information [REDACTED] claiming that Alpirez said he was present during interrogation of DeVine and information from [REDACTED] that Alpirez was violent and had been acting erratically, killed guerrilla captives and was transferred because of his refusal to retract statement implicating military in DeVine's killing.
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
October 23	Hqs requests clarification concerning [REDACTED] information.
October [REDACTED]	[REDACTED] that Alpirez hid his personal involvement when he reported on DeVine killing and adds that, considering his character and personality [REDACTED] Station finds plausible that Alpirez was personally and directly involved in the killing.
October 27	Crimes report is drafted by LA legal counsel and sent to OGC.
October [REDACTED]	October [REDACTED] report is disseminated.
[REDACTED]	[REDACTED]

November 18 Deputy Assistant Attorney General Richard is briefed.

November 19 Formal crimes report is sent to DoJ.

1992

March 12, 1992 Bamaca is reportedly involved in a firefight and captured in or near San Marcos Dept.

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

April [REDACTED]

Intelligence report lists Alpirez among officers who may be involved in narcotics trafficking because he owns a home beyond his means as a military officer.

[REDACTED]

[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]

June [REDACTED]

[REDACTED] names Alpirez as involved with Lt. Col. Ochoa, arrested in early 1991, in narcotics trafficking.

July [REDACTED]

[REDACTED]
ordered by Defense Minister Mendoza to submit a false statement about the DeVine case, had refused, and had been sent to San Marcos Dept. as punishment.

September [REDACTED]

Station reports six enlisted men each sentenced to 30 years for DeVine killing. Contreras absolved.

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

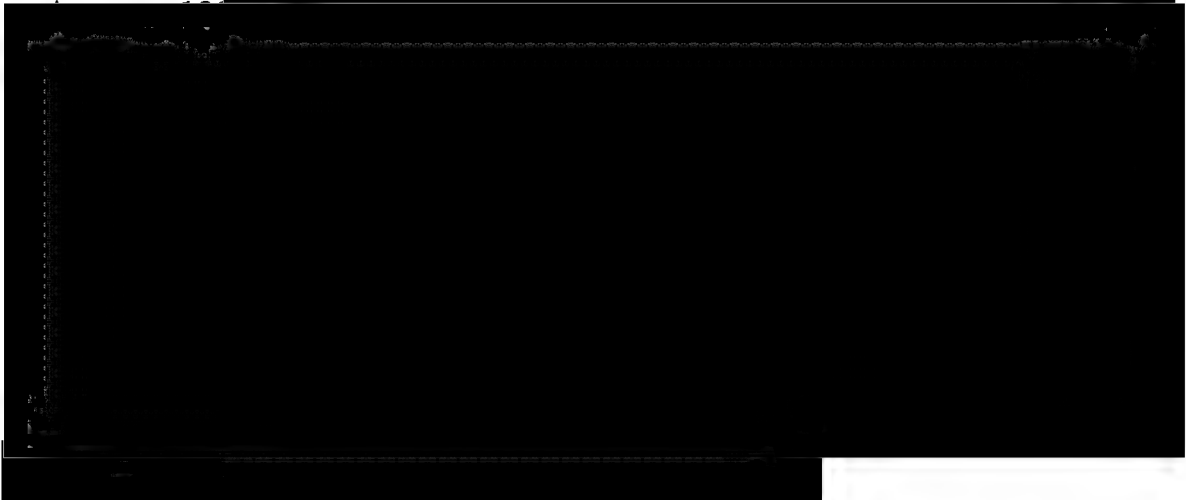
1993

May 11, 1993 Contreras sentenced to 20 years in prison.

June	Marilyn McAfee arrives as Ambassador to Guatemala.
	1994
May	Intelligence report [REDACTED] [REDACTED] and military intelligence officers had picked up Bamaca and taken him away shortly after he was captured.
December	Intelligence report disseminated stating that Alpirez took charge of Bamaca's interrogation in San Marcos, Bamaca collaborated and provided information on his former column and Bamaca is now dead.
	1995
January	[REDACTED] that "the senior ranks of the Army " know Alpirez killed Bamaca.
January 26-31	Four meetings at NSC to discuss U.S. Government reaction; CIA is asked to delay congressional notification.
January 27	ADCI asks IG to investigate CIA relationship with Alpirez.
February 3	SSCI and HPSCI staff briefed on information connecting Alpirez to DeVine and Bamaca [REDACTED]
February 6	Demarche is presented to Guatemalan President by U.S. Ambassador.
February 15	SSCI sends additional questions to IG for investigation.
March 22	Rep. Torricelli makes public allegations that CIA knew and covered up Alpirez' involvement in DeVine and Bamaca killings.

*WITH REGARD TO ALPIREZ, DID THE AGENCY COMPLY WITH REGULATIONS
CONCERNING THE NEED TO KEEP AMBASSADORS INFORMED?*

127.



128.



129.



130. Ambassador McAfee arrived in Guatemala in June 1993 to replace Stroock. By that time, the trial in the DeVine case had ended and Captain Contreras had been convicted, sentenced and had escaped one month earlier. [REDACTED]

[REDACTED]

[REDACTED]

131. [REDACTED]

[REDACTED]

[REDACTED]

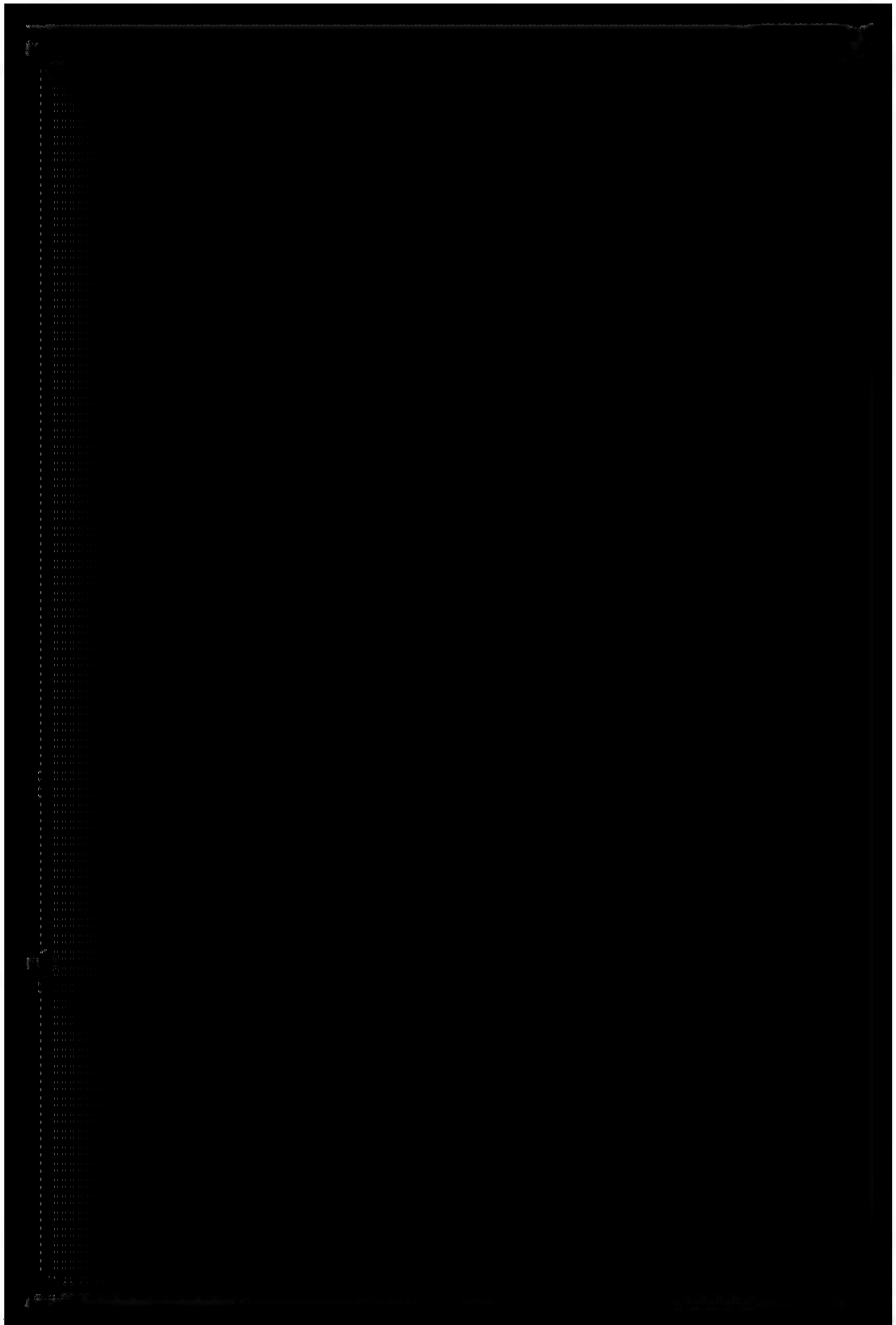
132. [REDACTED]

[REDACTED]

133. [REDACTED]

[REDACTED]

134. The 1977 agreement between CIA and the Department of State concerning relations between the two agencies, as transmitted in an October 27, 1977 State Department message, (STATE 257648) provides that:



[REDACTED]

135. [REDACTED]

[REDACTED]

[REDACTED] It is clear, however, that COSs and Headquarters are expected to exercise sound judgment and discretion as to what an Ambassador should be told and when. [REDACTED]

[REDACTED]

WHAT OTHER DEROGATORY INFORMATION DID CIA ACQUIRE CONCERNING ALPIREZ AND HOW WAS THIS INFORMATION HANDLED? WHAT INFORMATION IS AVAILABLE CONCERNING ALLEGATIONS BY A FORMER EMPLOYEE OF THE DRUG ENFORCEMENT AGENCY (DEA) REGARDING CIA KNOWLEDGE OF ALPIREZ HAVING DEVINE KILLED FOR DISCOVERING A DRUG OPERATION RUN BY ALPIREZ?

136. The only other derogatory information about [REDACTED] that appears in Agency files consists of several reported allegations that [REDACTED] was involved in narcotics trafficking. One of these reports came from a DEA source, three from Agency assets and one from the [REDACTED]. In addition, a report was found in DEA Headquarters files alleging that a [REDACTED] had counterfeit cashiers checks and had ordered an assassination of a Guatemalan. No record has been found in Agency or DEA files that these allegations were acted on by the U.S. Government.

137. June 9, 1988 Drug Enforcement Administration (DEA) Memorandum. Station files include a June 9, 1988 memorandum mentioning [redacted] that was prepared by then-DEA Special Agent (SA) [redacted]. The report is entitled "Narcotics Trafficking of the [redacted] Intel, Org." [redacted] is mentioned only in the first two paragraphs of the memorandum, which read:

1. During the month of May 1988, on several occasions, SA [redacted] debriefed [source] in regard to the narcotics trafficking of the [redacted] International Organization.

2. The [source] stated that he/she has personally known [redacted] for the past several years (1984). The C.I. has identified [redacted] as a member of the security force for the Presidential Palace (El Archivo). He was also the director of the "BIEN" The National Police Investigative Unit under [redacted]. At the present, [redacted] is a group supervisor of the Archivo. [redacted] supervisor has been identified as [redacted] alias [redacted]. The C.I. claims that [redacted] is aware of [redacted] illegal activities. (Emphasis added.)

138. The memorandum carries no indication of dissemination to agencies outside DEA. The name of the head of the DEA office in Guatemala, Country Attaché [redacted] appears below [redacted] name on the bottom of the first page, although neither of them had signed the memorandum. Attached to it is an undated covering note from [redacted] to [redacted] at the time, saying "attached is a draft of the DEA report on the subject matter we discussed. Please destroy it or return it when you are finished with it." There is no indication when or how the Station obtained a copy.

139. In his memorandum, DEA SA [redacted] appears to have confused and intermingled information concerning several unrelated individuals and activities. With regard to [redacted] on April 27, 1988, the U.S. Customs Service apprised CIA that one of its sources visiting Guatemala had met [redacted] who offered assistance to Customs in a counternarcotics operation. [redacted]
[redacted]
[redacted]



140. Headquarters subsequently confirmed some aspects of what the Station had heard from Alpirez. It also informed the Station that Customs had no authority to conduct the kind of maritime operation the Customs source had described, but was not always aware of all its field office operations because of the decentralized nature of the Customs structure. It further stated that Customs had discussed the case with DEA.

141. With regard to [REDACTED] the person [REDACTED] claimed was known as [REDACTED] CIA records contain only DEA information indicating that a [REDACTED] possibly of Guatemalan nationality, was involved in transferring cocaine and marijuana from Cuba to the U.S. via Guatemala by aircraft from November 1988 to April 1989. As noted in paragraph 150 below, a [REDACTED] did work in the Presidential Security Department when [REDACTED] was its chief and in August 1988 was alleged to have been involved in narcotics trafficking.

142. Concerning [REDACTED] the alias [REDACTED] attributed to [REDACTED] [REDACTED] CIA files

contain no indication other than [redacted] memorandum that [redacted] was ever known by the name of [redacted]

143. August 25, 1988 DEA Memorandum. As the result of a file search requested by OIG, in late June 1995 DEA Headquarters found another relevant document in its files. An August 25, 1988 memorandum prepared by then-DEA Special Agent [redacted] was based on information provided by the same DEA source as the June 1988 information. There is no indication that the August 1988 information was previously shared with CIA Headquarters or the Station. The memorandum refers to [redacted] (sic).

144. This [redacted] is mentioned in four places in the memorandum. The first is:

2. The [source] stated that on Saturday, August 20, 1988 at approximately 11:00 a.m., as pre-arranged he was suppose [sic] to meet with [redacted]. At approximately 11:30 a.m., Guatemalan Military [redacted] [sic] arrived and stated that [redacted] with oral orders from [redacted] [sic--original text incomplete]. The [source] stated that he wished to tell [redacted] that he [source] knew of a Colombian that wanted to transfer cocaine from Colombia to the US by aircraft, refueling in Guatemala....

145. The second mention of [redacted] is:

NON DRUG RELATED INFORMATION:

1. The [source] stated that Guatemalan [redacted] has in his possession several thousand Bank of America cashiers checks that are counterfeit [sic] and were offered to the [source] for distribution. The [source] refused the cashiers checks....

146. [redacted] is mentioned for a third time as follows:

2. The [source] further related that he had been told by [redacted] that by orders of [redacted] [redacted] had assassinated a former member of there [sic] unit (ESTADO MAYOR PRESIDENCIAL) by the name of [redacted]

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According to [REDACTED] was stabbed four (4) times with a Bayonet and shot twice by [REDACTED]...

147. The fourth mention of [REDACTED] occurs in the "Indexing Section" of [REDACTED] memorandum:

[REDACTED] - Guatemala Military Lt. Col. Previously identified. [sic]

148. [REDACTED]

149. [REDACTED]

150. August [REDACTED] 1988 Station Report. [REDACTED]

[REDACTED] that Alpirez had instructed one of his subordinates, [REDACTED] to become involved in a narcotics network; disrupt the network; obtain the cocaine; and run the operation for personal profit. The Station reported the information to Headquarters on August [REDACTED] and added that it was investigating the allegation, [REDACTED]

The Station officer [REDACTED] recalls that [REDACTED] provided a lot of rumor, not a lot of intelligence, and did not provide follow-up information. The Agency file [REDACTED] contains nothing further concerning this allegation.

151. The Station officer [REDACTED] believes that the Station would have tried to obtain confirmation of the allegation that Alpirez was involved in narcotics trafficking, but was very busy

and not likely to send a message to Headquarters if it found no further information. He maintains that the absence of further information on the August 1988 allegations indicates that nothing further was available, not that the Station did not attempt to obtain more information. [REDACTED]

[REDACTED]

152. [REDACTED]

[REDACTED]

153. April 1992 Intelligence Report. [REDACTED]

[REDACTED] including Alpirez, allegedly involved in narcotics trafficking. The Station originally submitted the information to Headquarters in an operational cable [REDACTED] noting that it was not being submitted as an intelligence report because of its inconclusive and circumstantial nature and because of possible biases by the individuals from whom [REDACTED] had obtained the information. [REDACTED] that Alpirez owned a house in the Granjas San Antonio in Don Justo that he could not afford on his military salary and that he may have gotten rich through narcotics trafficking or other illegal activity. [REDACTED] that Alpirez was suspected of narcotics trafficking because he, [REDACTED] [REDACTED] had purchased a very

expensive home in the Colonia San Lazaro in Zone 15 of Guatemala City.

154. On March 28, 1992, Headquarters instructed the Station to resubmit the information as an intelligence report [REDACTED]

[REDACTED]
Headquarters also stated that follow-up reporting to confirm, refute, or elaborate the original information would be welcome.

155. On April [REDACTED], 1992, the Station resubmitted the information as an intelligence report [REDACTED]

[REDACTED] Headquarters disseminated the report [REDACTED] the same day to:

NSA;
State;
DEA;
DIA;
Customs;
Treasury;
FBI;
Coast Guard;
White House Situation Room;
Southern Command; and

156. June [REDACTED] 1992 Intelligence Report. [REDACTED]

[REDACTED] the Station received another allegation connecting Alpirez with narcotics trafficking [REDACTED]

[REDACTED] information [REDACTED] concerned a narcotics operation run by a Guatemalan named Mario Raul Peralta. The report described the involvement of Peralta with Lt. Colonel Carlos

Rene Ochoa—whose arrest and interrogation had been reported [REDACTED]
[REDACTED] It contains a single sentence about
Alpirez-- Another military officer involved with Ochoa in narcotics
trafficking is Colonel Julio Roberto Alpirez de Leon." (sic)

157. The Station submitted the information to Headquarters on June 1, 1992. On June 1, it was disseminated [REDACTED] to:

NSA;
State;
DEA
DLA;
Customs;
Treasury;
FBI;
Coast Guard;
White House Situation Room;
Southern Command; and

158. [REDACTED]

159. May 4, 1995 Allegations. In a May 4, 1995 letter to the CIA IG, Representative Torricelli stated that he had been informed by a former DEA employee that the CIA had information indicating that DeVine's killing was "politically motivated" in that the former DEA employee had alleged that DeVine had discovered a "drug operation" run by [REDACTED] and [REDACTED] had DeVine killed to keep the discovery secret. [REDACTED]

[REDACTED]

[REDACTED]

160. [REDACTED]

[REDACTED]

161. [REDACTED]

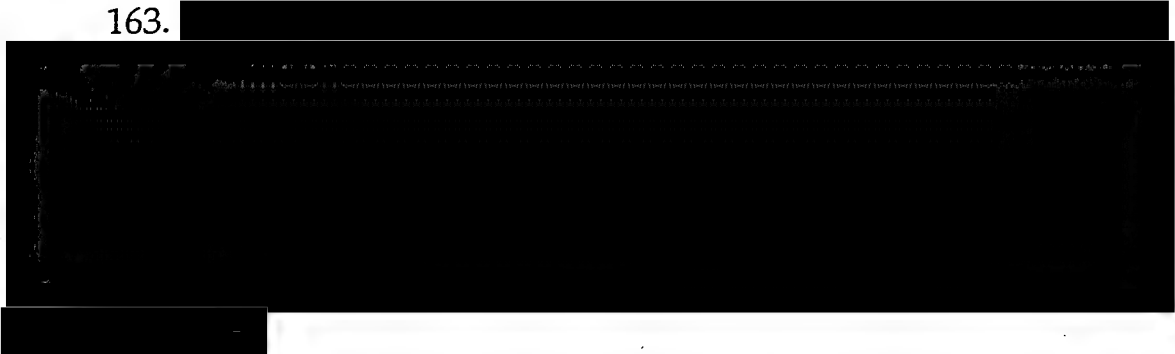
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162.



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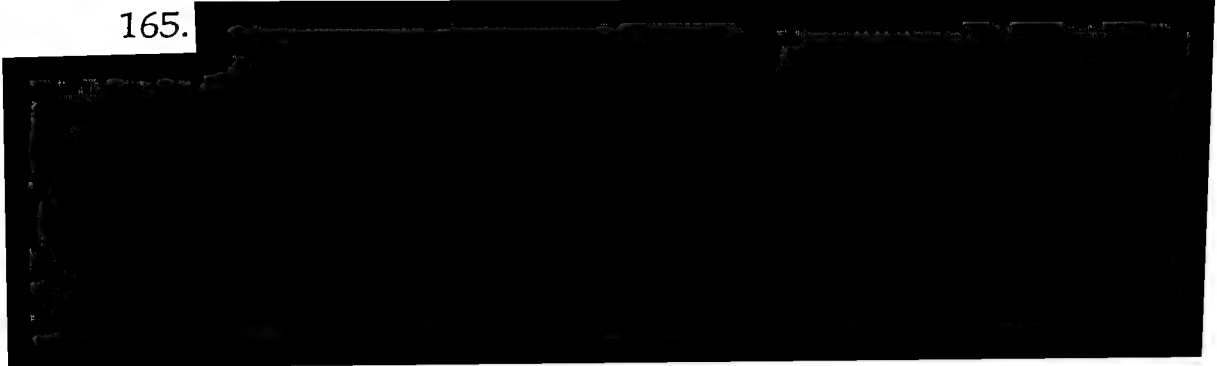


¹⁶ According to [redacted] biographic data on Alpirez, Alpirez served in the D-2 of the National Defense Staff from 1978-82, [redacted] Station cables refer to Alpirez has having served in the D-2 but contain no dates for when he did so. During a March 1995 interview by the Guatemalan Public Prosecutor's Office, Alpirez stated that he had served in the D-2 from 1981-1984. Thus, it appears he was not a D-2 officer in June 1990 when DeVine was killed.

164.



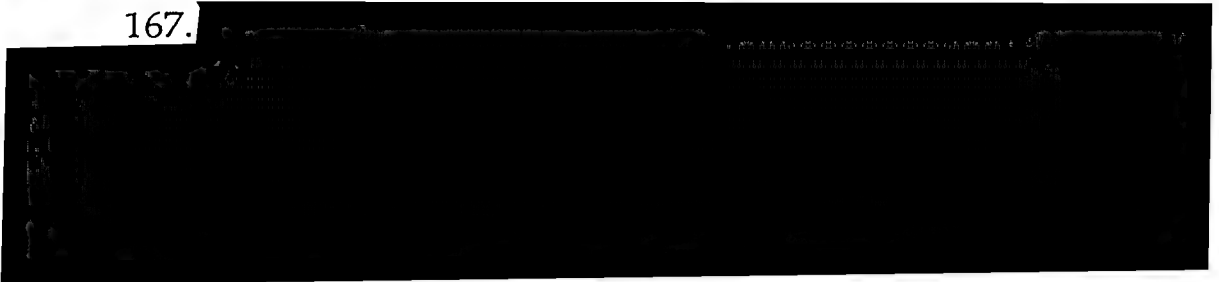
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166.



167.



DID CIA'S FAILURE TO NOTIFY DOJ OF REPORTS IMPLICATING ALPIREZ IN NARCOTICS TRAFFICKING HINDER THE ATTORNEY GENERAL'S ABILITY TO DETERMINE WHETHER THE DeVINE MURDER WAS POLITICALLY MOTIVATED? SHOULD THE REPORTS HAVE BEEN PROVIDED TO DOJ UNDER EXISTING CRIMES REPORTING PROCEDURES?

168. The May 4, 1995 letter to the CIA Inspector General from Congressman Robert Torricelli stated that a "former Drug Enforcement Administration employee" alleged that the DeVine murder was politically motivated, and that DeVine was murdered because he had discovered a drug operation being run by [REDACTED]. The letter also suggested that CIA officials would be guilty of "obstruction of justice" if they concealed such information when the October 1991 allegations that [REDACTED] was present at the interrogation of DeVine were referred to the Department of Justice. [REDACTED]

[REDACTED]

169. It appears that section 2332 of Title 18 of the U.S. Code is the statute referred to in this letter as granting the United States the ability to prosecute foreign nationals for crimes against American citizens abroad when such crimes have a "political" element. That provision, appearing in Chapter 113B of Title 18, is part of the codification of the Antiterrorism Act of 1990. Section 2332 provides criminal penalties for murdering a U.S. national who is outside the United States. However, the murder of a U.S. national overseas only constitutes a violation of that statute and confers criminal jurisdiction on U.S. District Courts in cases where the Attorney General certifies that the murder was intended to coerce, intimidate, or retaliate against a government or a civilian population.

170. If CIA officials had information relating to the DeVine case that would have assisted the Attorney General in making a determination that DeVine's murder was intended to coerce,

intimidate, or retaliate against a government or civilian population, such information should have been provided to DoJ with or following the referral. However, there is no indication that Agency officials either had or withheld any such information from DoJ and therefore there could be no obstruction of justice on that basis.

171. [REDACTED]

172. Six reports have been identified that contain information alleging that Alpirez might have had knowledge of, or have been involved in, narcotics trafficking. None of the reports constitutes direct evidence of such involvement. (These reports are summarized in paragraphs 137 - 152 of Volume III.) At the time of the referral to DoJ of the October 1991 allegation that Alpirez was present at DeVine's interrogation, the Agency had two and possibly three of these reports in its possession. One was from DEA, one from the DAO, and one was acquired by the Station in 1988. The latter was not disseminated outside the Agency, apparently because of a lack of corroborating information.

173. None of the six reports suggests that the DeVine murder was linked in any way to drug trafficking, or, more importantly, had as its purpose coercion, intimidation, or retaliation against a government or civilian population. No evidence has been found to indicate that any CIA official intentionally withheld these reports from DoJ in order to prevent or hinder the Attorney General from certifying that the DeVine murder was politically motivated or for any other reason. Finally, DEA reports that it has located no additional information in its files to indicate that [REDACTED] was involved in narcotics trafficking.

174. Federal law, 28 USC 535, requires any information, allegation, or complaint received by Federal departments or agencies that relates to a violation of Title 18 of the U.S. Code by Government officers or employees to be reported to the Attorney General. In addition, Executive Order 12333 governing United States intelligence activities requires the heads of departments and agencies with organizations in the Intelligence Community to report to the Attorney General possible violations of any federal criminal law by employees and to likewise report violations of specified federal criminal laws by any other person. This responsibility is required to be carried out as provided in procedures agreed upon by the Attorney General and the head of the department or agency concerned.

175. Pursuant to these requirements, the Director of Central Intelligence and the Attorney General agreed upon crimes reporting procedures for CIA that have been in effect since 1982. Those procedures do not specifically require the reporting to the Department of Justice of possible drug trafficking offenses committed by non-employees. However, in a contemporaneous exchange of letters between the Attorney General and the DCI, the Attorney General stated that the question had been raised about the need to add narcotics violations to the list of reportable non-employee crimes. The Attorney General noted that, in view of the clear authority of the Agency to collect information concerning narcotics matters and to disseminate such intelligence to law enforcement agencies, including the DoJ, as well as the excellent cooperation DEA has received from CIA on these matters, no formal requirement to report such offenses was added to the procedures. Despite the lack of a formal requirement to do so, however, CIA has regarded narcotics offenses by non-employees to be reportable under the crimes reporting procedures.

176. In order for a possible non-employee crime to be reportable under the crimes reporting procedures, the Agency must receive an allegation, complaint, or information tending to show that the non-employee may have violated a federal criminal statute. This means that a certain degree of specificity must be contained in the information, allegation, or complaint that is received by the Agency.

These determinations are made by the Agency's OGC regarding potential offenses by non-employees except for matters investigated by OIG. If the reports that mentioned Alpirez (discussed in paragraphs 137 through 152) were shared with OGC, it appears unlikely, with one exception, that OGC would have considered them to relate to a violation of U.S. law or to be sufficiently specific to make a formal crimes report to DoJ. Furthermore, the procedures for crimes reporting to DoJ have not been interpreted to require CIA to report information concerning possible violations of U.S. law obtained from a U.S. law enforcement agency. The one report that could be interpreted to connect [REDACTED] with a possible violation of U.S. law is a memorandum DEA provided to OIG in late June, 1995.

177. The first report, a DEA memorandum dated June 9, 1988 contains the statement that [REDACTED] was aware of another individual's illegal activities. This memorandum contains no allegation or information to indicate that [REDACTED] was involved in a violation of U.S. law. Thus, it would not be reportable.

178. An August 25, 1988 DEA memorandum was provided to OIG by DEA in late June 1995. The information in the memorandum regarding narcotics trafficking is fragmentary and difficult to understand. It states that the source expected to meet with [REDACTED]. Instead Guatemalan Major Carlos Charaj [REDACTED] arrived and stated that [REDACTED] with oral orders from [REDACTED] [sic--original text incomplete]." The memorandum goes on to say that the source wished to tell [REDACTED] that the source knew of a Colombian who wanted to send cocaine to the U.S. through Guatemala. This information clearly relates to an intended violation of U.S. law and, when read in light of other information the memorandum contains that [REDACTED] [sic]" had thousands of counterfeit Bank of America cashiers checks he offered to the source for distribution, could be interpreted to also "link [REDACTED] [sic]" to the potential narcotics trafficking offense. However, there is no indication this information was shared with CIA at the time. Furthermore, the crimes reporting procedures have not been interpreted to require CIA to report to DoJ information concerning

possible violations of U.S. law received by CIA from a U.S. law enforcement agency.

179. An August 31, 1988 station report stated that Alpirez had instructed a subordinate to become involved in a narcotics network, disrupt the network, obtain the cocaine, and run the operation for personal profit. The Station reportedly attempted to acquire additional information, but was unsuccessful. This information was not reportable under the crimes reporting guidelines because it does not clearly indicate a possible violation of U.S. law. While the Agency could have chosen to disseminate the report in intelligence channels to appropriate U.S. law enforcement agencies, the Station officer who received the information from the source recalls that the source provided a lot of rumor, not a lot of intelligence, and did not provide follow-up information. [REDACTED]

180. [REDACTED]

This information, while perhaps meeting standards for dissemination as intelligence, also did not evidence a possible violation of U.S. law and thus was not specific enough to merit a crimes report under the crimes reporting procedures. Furthermore, because the report originated in another department, it is not clear that CIA would have had the responsibility to make a crimes report based upon it.

181. An April [REDACTED] 1992 intelligence report [REDACTED]

including Alpirez, who were allegedly involved in narcotics trafficking. This report was originally submitted by the Station as an operational cable because of its inconclusive and circumstantial

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nature and because of possible bias by the individuals from whom [REDACTED] obtained the information. [REDACTED]

[REDACTED] that Alpirez owned a house that he could not afford on his military salary and may have gotten rich through narcotics trafficking. This report also did not evidence a violation of U.S. law and was not specific enough to require a crimes report, but was disseminated to DEA, the U.S. Customs Service and the FBI, among others, for intelligence purposes.

182. [REDACTED]

DID CIA COMPLY WITH THE RELEVANT STATUTES, REGULATIONS, AND PROCEDURES CONCERNING HUMAN RIGHTS ISSUES THAT WERE IN EFFECT WHEN THE OCTOBER 1991 INFORMATION WAS RECEIVED?

183. Executive Order 12333, of December 4, 1981 states in Part 2.1 that intelligence activities are to be conducted in a "responsible manner that is consistent with the Constitution and applicable law and respectful of the principles upon which the United States was founded."

184. [REDACTED]

[REDACTED]

185. [REDACTED]

[REDACTED]

186. In dealing with Alpirez in October 1991, Guatemala City Station acted in a manner that was consistent with the guidance available at the time [REDACTED]

[REDACTED]

187. On the other side of the coin, it does not appear that much effort was put into determining the veracity of the allegations against Alpirez. However, no requirement to verify such information was formally imposed on Agency Stations until August 1992, ten months after the October 1991 report had been received. [REDACTED]

[REDACTED]

[REDACTED] the Station could have sought additional details concerning the allegations against Alpirez from other sources. There is no indication that any thought was given to doing so, however, despite the apparent inconsistencies between these allegations and all other then-available information concerning Alpirez and regarding the DeVine killing.

WHAT AND WHEN WAS CONGRESS TOLD ABOUT THE OCTOBER 1991 REPORT THAT ALPIREZ HAD BEEN PRESENT AT DEVINE'S INTERROGATION [REDACTED] WERE THE STATUTES, REGULATIONS AND PROCEDURES IN EFFECT REGARDING NOTIFICATION OF CONGRESS FOLLOWED?

188. There are specific statutory and Agency policy requirements for notifying Congress of Agency activities. (See Volume I.) These requirements include a general statutory requirement to keep the intelligence committees "fully and currently informed" regarding the Agency's activities [REDACTED]

[REDACTED] In addition, Agency policies govern the extent to which information regarding intelligence sources is shared.

189. In April and May 1991, respectively, CIA's Office of Congressional Affairs (OCA) prepared written responses from the Agency to the House Permanent Select Committee on Intelligence (HPSCI) and SSCI regarding the question, "What contribution has CIA made to the investigation of the murder of U.S. citizen Michael DeVine in Guatemala?" The Agency responses cited the information provided [REDACTED] in August 1990 that linked the Guatemalan military to DeVine's death and reported a military cover-up. They were prepared five months before the October 1991 report alleging Alpirez's involvement in the DeVine killing and it appears that at least the HPSCI may have been provided this information in the form of a response to a Question for the Record (Q&A).

190. October 1991 [REDACTED] LA Division considered briefing the HPSCI and SSCI concerning the October 1991 allegations that Alpirez had been present at the interrogation of DeVine almost immediately after the information was received from the Station. [REDACTED]

[REDACTED] they recognized the seriousness of the allegations against Alpirez upon receipt of the October [REDACTED] 1991 report. [REDACTED] were concerned with

notifying all the appropriate entities and, while he does not recall a formal meeting concerning notification of Congress [REDACTED] discussed it informally [REDACTED]

191. [REDACTED]

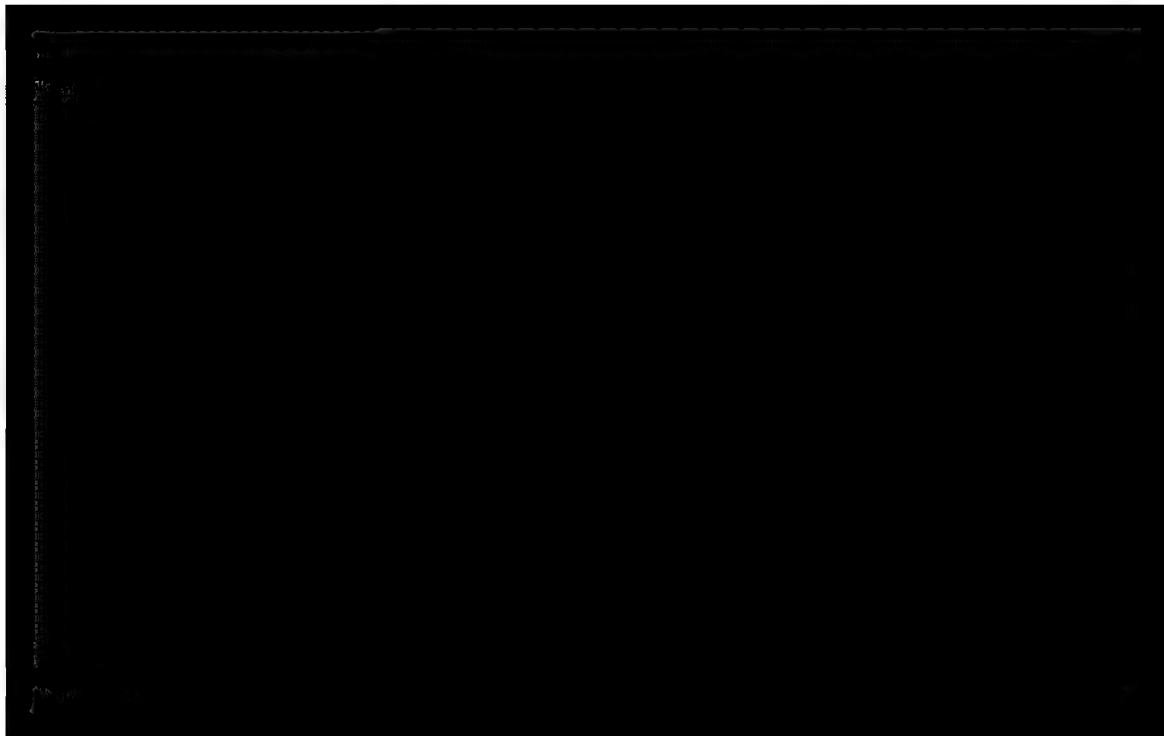
[REDACTED] that, by October 23, LA Division intended to brief the HPSCI Staff Director regarding the report that Alpirez was present at the interrogation of DeVine [REDACTED] The intention was that the briefing would take place prior to dissemination of the intelligence report and the HPSCI briefing, both of which occurred on October [REDACTED] 1991.

192. In response to the question, "[What is] CIA['s] contribution to the investigation of the murder of Michael DeVine in Guatemala?" The Q&A page updated information provided earlier related to DeVine and commented on the prosecution of Guatemalan military personnel who had been accused of having participated in the killing. The Q&A then addressed the allegations about Alpirez as follows:

(FYI: The following has not been briefed to HPSCI, or HPSCI staff, as of 23 October. We are *attempting* to arrange a briefing for the Staff Director before the 29 October HPSCI Hearing.) [Emphasis added.]

Recent reporting [REDACTED] indicates that Julio Roberto Alpirez [REDACTED] was present at the killing of Mr. De[V]ine by Captain Contreras, S-2 officer of the Peten military region. This reporting conflicts with other information on the case. We have forwarded to the Station additional questions to attempt to clarify the information. We will then brief the Department of Justice. (We anticipate having the report to the Intelligence Community and briefing Justice prior to 29 October.)

193. [REDACTED]



194. The information regarding Alpirez apparently had not been provided to the HPSCI staff members at the October 21 pre-briefing [REDACTED]



195. It is not known whether the Q&A page was approved by LA Division Chief [REDACTED] or [REDACTED] before it was included in the DO Briefing Book [REDACTED] for DDO Twetten and for Kerr, who actually testified during the October 30 HPSCI hearing. A copy of the Q&A page was also included in the Briefing Book prepared for Kerr in the SSCI hearing on November 20, 1991. [REDACTED]

196. Although the Q&A page was included in the Briefing Book that was used by Kerr, it is not clear whether the Q&A was discussed

at his October 28 pre-briefing by the DO. No LA Division personnel were present, according to Kerr's calendar. Kerr does not recall any discussion of the issue. He says that, if he had focused on it, he would not have wanted to raise the information about Alpirez at a hearing without having first informed the HPSCI chairman and staff.

[REDACTED]

197. The Q&A page was significant in several respects. It specifically identified Alpirez and provided key information concerning his alleged presence at the interrogation when DeVine died.

[REDACTED]

[REDACTED] It mentioned that the allegations differed from earlier reporting, presumably referring to the August 1990 [REDACTED]

[REDACTED]

[REDACTED] It also stated that additional questions were being sent to the Station to clarify these differences. The Q&A page also mentioned that the Intelligence Community and the Department of Justice were to be advised by the scheduled date of the HPSCI hearing.

198. As far as can be determined from Agency records, representatives of neither the HPSCI nor SSCI were briefed on the substance of this Q&A page in 1991.¹⁷ [REDACTED]

[REDACTED] did not come up during the hearings and the question addressed in the Q&A page was not raised. Key committee staff at the time— [REDACTED]

[REDACTED] former SSCI Staff Director George Tenet [REDACTED] do not recall being briefed on the Alpirez information in 1991. Neither then-DDO Twetten nor

¹⁷ The SSCI has shown OIG selected documents from its files and showed copies of SSCI records relevant to the congressional notification issues [REDACTED]

[REDACTED] The HPSCI Counsel has indicated that it would not share staff notes with OIG but also reported that it had found no documents in its files concerning the issue of whether or not proper congressional notification was accomplished by Agency personnel.

LA Division Chief [REDACTED] recall participating in or being advised of such a briefing.

199. No evidence has been found in Agency records to indicate that the committees were briefed in 1991 regarding the allegation that Alpirez was present at DeVine's interrogation. Cable traffic between Headquarters and the Station contains several direct and indirect references to providing information to DoJ and to an ongoing criminal investigation, but no reference to notifying Congress.

200. Why the intended briefings of the HPSCI and SSCI did not take place is not known, but current and former Agency officers do not recall participating in or knowing of any conversation regarding not briefing the committees or any decision not to do so. None of the DO officers most likely to have been involved in preparing the Q&A page-- [REDACTED]

[REDACTED] recalls why the committees were not briefed. A number of officers indicate that the Q&A page has all the earmarks of having been prepared by [REDACTED] who was often involved in preparing responses to the Congress because of her skill and experience. Others point out that the language in the Q&A page referring to DoJ was not something that would normally have been included by LA Division officers, suggesting that [REDACTED] at least coordinated on the page. [REDACTED] remembers concentrating on "the DoJ angle"--meaning the preparation of a crimes report to the Department--and vaguely understanding that LA Division intended to brief the committees "early on" about the October 1991 information.

201. The indication in the Q&A page that the Alpirez information was current "as of October 23" suggests that it was not provided at the pre-briefing of HPSCI staff members two days earlier and that it may have been added as a result of discussions that occurred during or after that session. A number of LA Division officers point out that the information in the Q&A page indicates an intention and a commitment to the DDO, if not the Acting DCI, to brief the HPSCI. Such a commitment would not have been included in a Briefing Book for DDO Twetten without an expectation that it would be accomplished. Moreover, some officers point out that the

committees did not like to learn about significant information for the first time in a hearing, so there was a strong incentive to brief the staff members before such sessions.

202. The responsibility for ensuring that the committees were briefed would have been shared by the three components involved: LA Division, [REDACTED] and OCA. Under procedures in effect at the time, DO officers were not authorized to contact the committees directly but were supposed to do so through OCA. Although many officers acknowledge that there was a great deal of direct informal contact with the committees, face-to-face briefings were supposed to be scheduled by OCA and the DO generally relied on OCA to make such arrangements. Thus, LA Division probably would have had to take the initiative and proceed with OCA directly or through [REDACTED] acknowledges that pursuing a briefing was his and LA Division's responsibility, at least initially.

203. Former DDO Twetten, then-ADDO Ted Price, [REDACTED] and Kerr agree that the committees should have been briefed on the October 1991 information about Alpirez. Price is incredulous that the committees were not briefed, because he believes that the DO had no incentive not to do so. In his view, the story was a good one because the Agency had acted properly and responsibly. [REDACTED]

[REDACTED] As soon as the information was acquired alleging he was present at DeVine's interrogation, the information was disseminated to the State Department and other Executive branch recipients, [REDACTED] and the information was turned over to DoJ for investigation and possible prosecution. However, Price has no specific recollection of knowing about the report until late 1994 and says that, "had I known about the Alpirez problem, I would have done something about it."

204. Kerr remembers the October 1991 information about Alpirez but not the Q&A page, and he acknowledges he was responsible as well to ensure the briefing took place. Kerr recalls that Agency policy at the time was to provide significant intelligence required by the committees, but not to identify sensitive intelligence

sources unless such assets were engaged in illegal or improper conduct and their activities were relevant to committee oversight. In this case, the allegations against Alpirez arguably brought him within the scope of that exception.

205. A number of possible explanations were advanced by those involved as to why the intention to brief the committees was not carried out. One is that attempts to schedule meetings with Staff Directors before the quarterly reviews by the committees may have been to no avail because of the short time between receipt of the October 1991 information and the dates of the quarterly reviews. The Staff Directors were very busy and it was not unusual to have difficulty setting up such meetings. Once the Committee hearings were completed and questions about the DeVine case were not asked, the Division's attention may have been drawn to other issues. Another theory is that the Agency would have been hesitant to brief the committees before the information was disseminated to other agencies and DoJ. Although the Q&A page states an intention to brief DoJ by October 29, that briefing did not take place until November 18. By that time, the Division's intent to brief the committees may have diminished significantly in the face of other pressures.

206. [REDACTED] is clear that he did not make any decision not to brief the committees and believes the issue simply "fell between the cracks" after the October 29 and November 20 committee briefings due to intervening events. After the briefings, he moved on to a large number of other priority issues affecting the Division, simply overlooking the Alpirez issue and not being reminded of it. He says that he "recognizes he made the mistake of not adding to his current 'tickler list' the need to ensure that the process of scheduling meetings with the Staff Directors continued and was in fact culminated."

207. [REDACTED] first theorized that OGC might have advised LA Division not to report the information to the committees because of DoJ's interest, but he no longer believes this to have been the case. [REDACTED] agrees and says that she had substantial experience with crimes reporting and would not have delayed a congressional briefing

because DoJ was deliberating a case. Both [redacted] and then-Deputy Chief, [redacted] indicate that the Division was very large and very busy at the time and this may have contributed to the failure to inform the committees.¹⁸ [redacted] also said that [redacted] and he made a mistake in assuming that their very capable subordinates would take care of the briefing. [redacted] in response, says that "subordinates do not take care of briefings of Congress unless told to do so by either the Chief or Deputy Chief" of the Division.

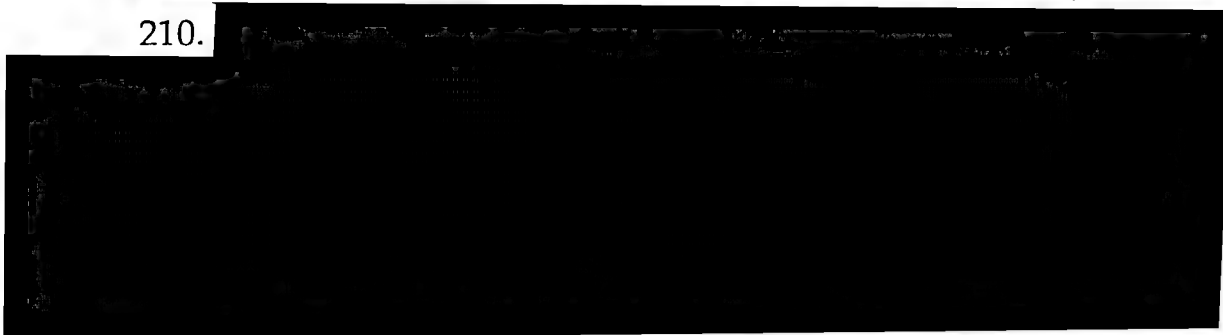
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209. [redacted]

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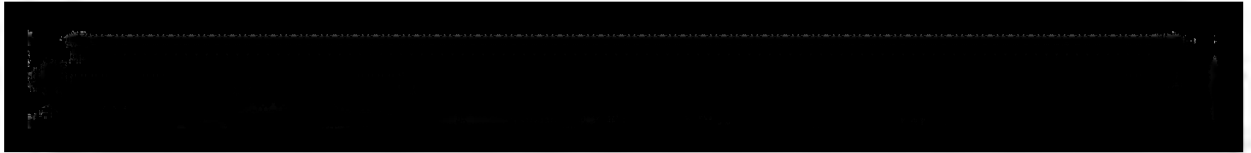


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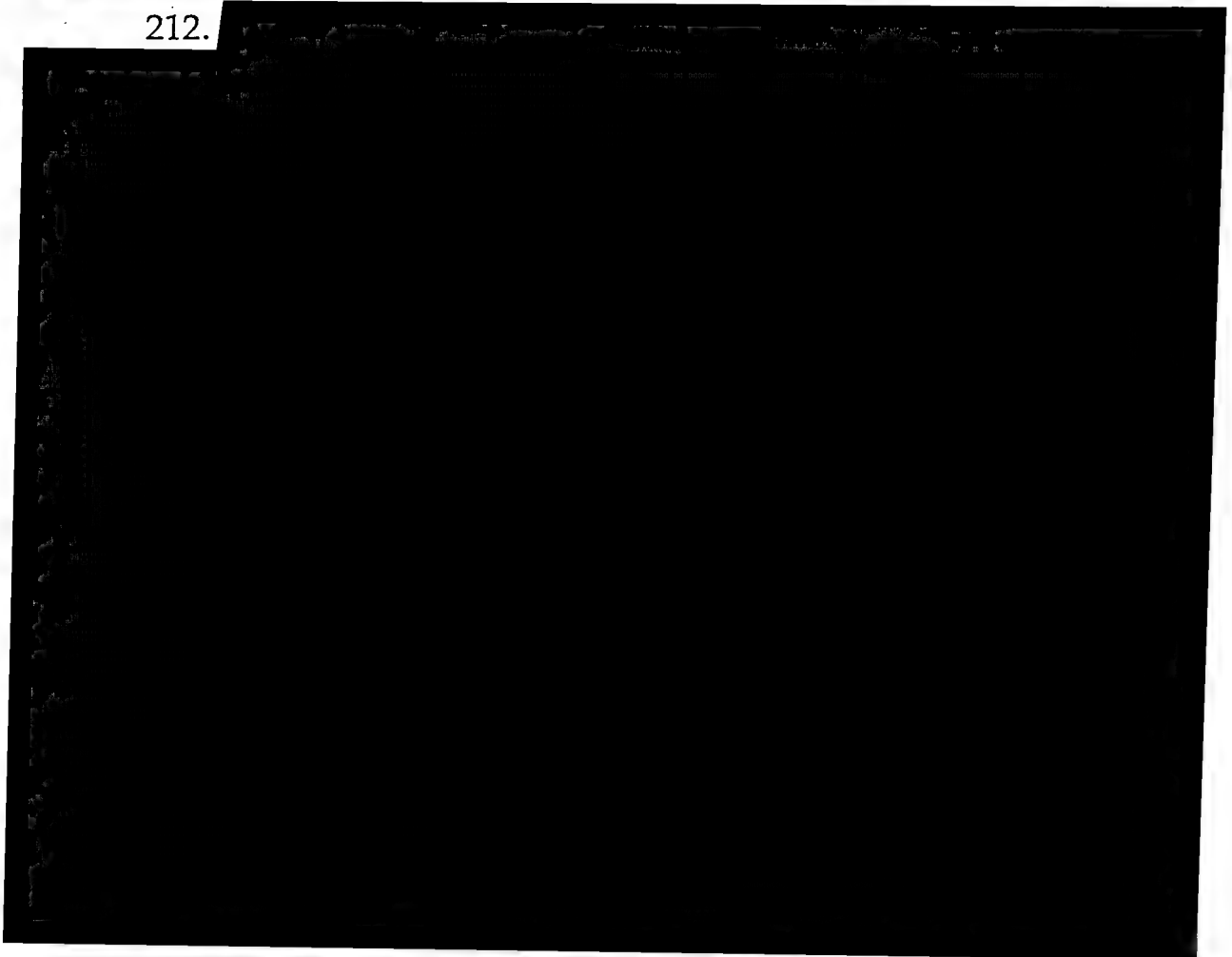


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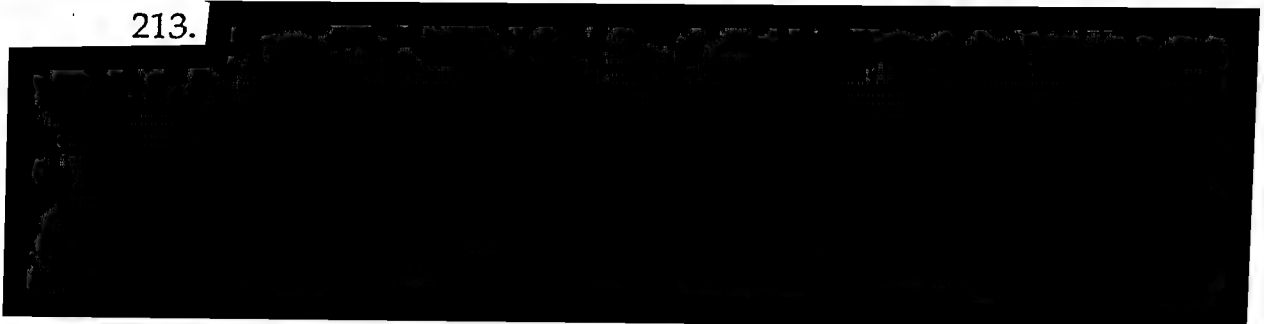




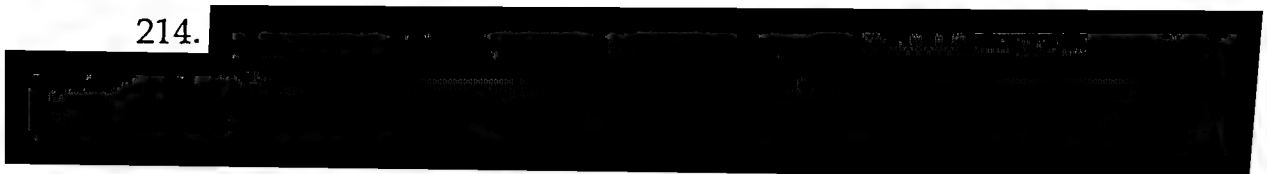
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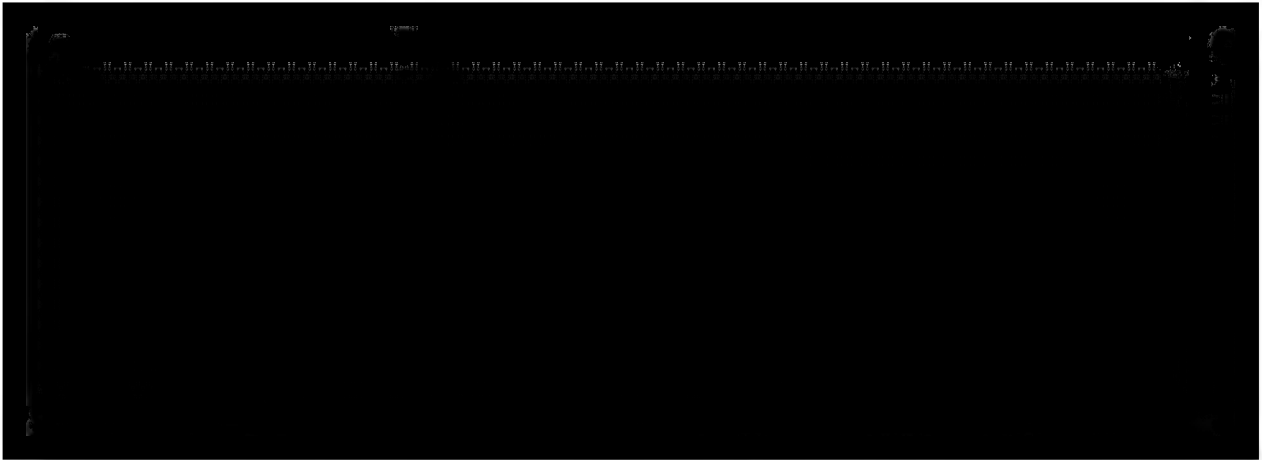


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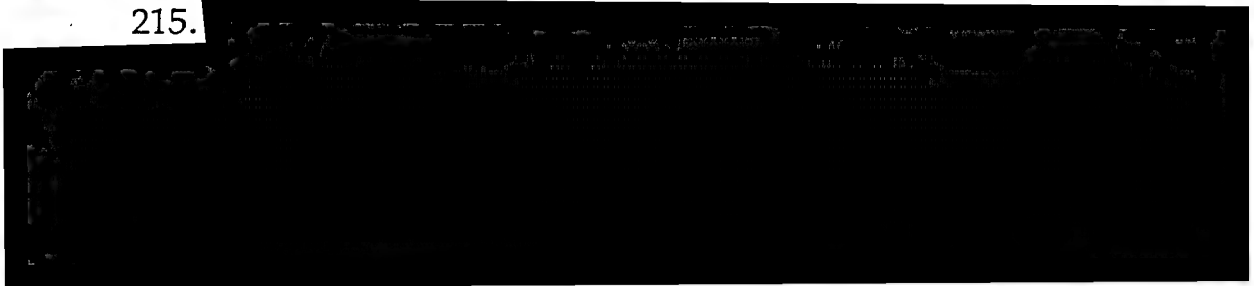


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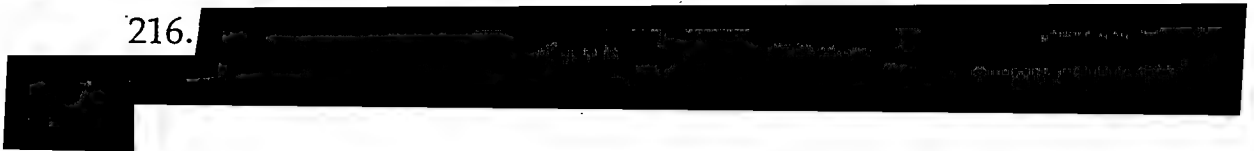




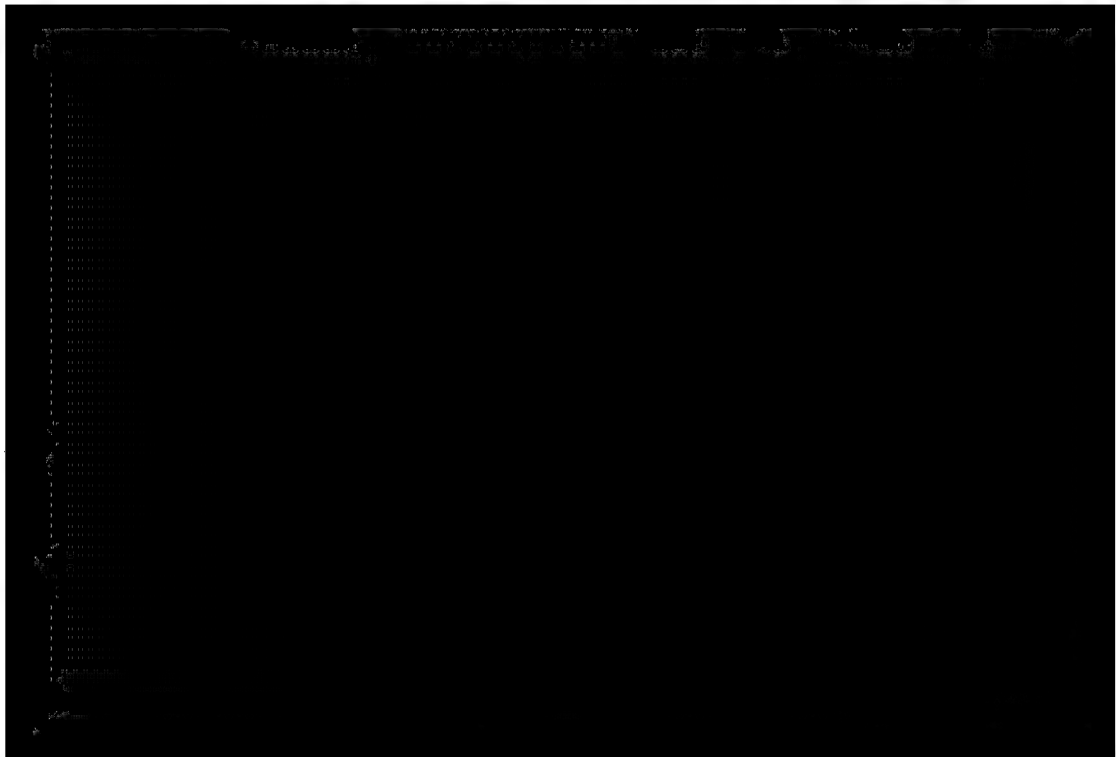
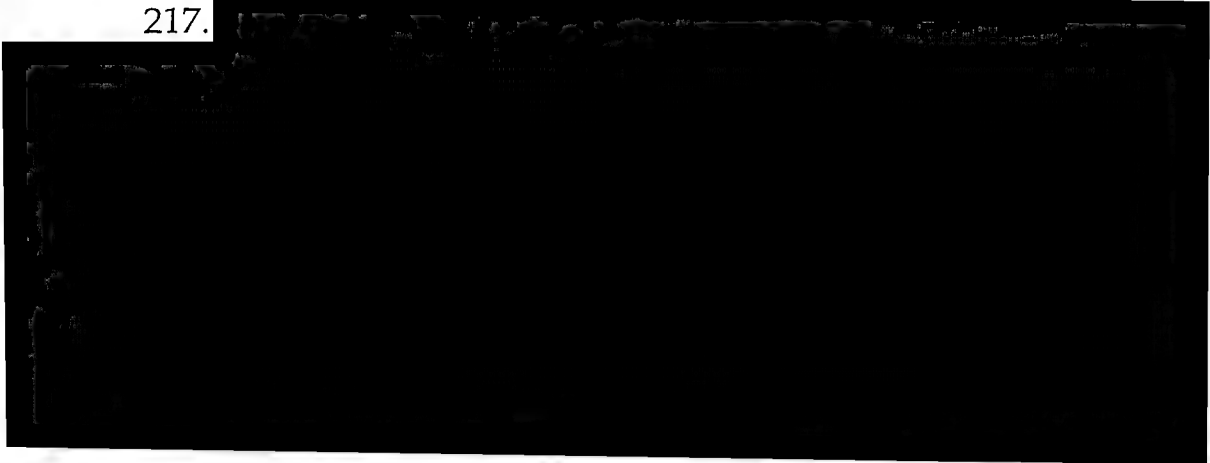
215.



216.



217.



218.



219. [REDACTED]

220. June 1992 SSCI Review of Human Rights Reports.
Between June 10 and 23, 1992, [REDACTED] responded to the questions raised by Tenet after reviewing [REDACTED] by visiting Headquarters to review a group of selected intelligence reports that had been assembled pursuant to the SSCI's request. Relevant OCA officers do not recall being asked to arrange this by the SSCI, but [REDACTED] the OCA officer responsible at that time for liaison with the SSCI, says that if he had received such a request, he would have asked [REDACTED] to assemble the selected reports. On June 9, a compilation of documents, entitled "Ten Reports on Guatemalan Human Rights for Review by SSCI Staffers [REDACTED]" was sent [REDACTED] through ADDO Price and DDO Twetten to [REDACTED]. A routing sheet on the compilation indicates that:

Per their request to review reports concerning Guatemalan human rights, the following ten reports have been proposed (by the desk) and cleared [REDACTED] for review by SSCI staffers [REDACTED]

[REDACTED]

Suspense Date: Promised to the staffers the week of 8 June 1992.
(Emphasis added.)

221. The October 1991 report of the allegations about Alpirez was one of the ten reports attached to the routing sheet. [REDACTED]

[REDACTED]

222. This compilation of ten reports apparently remained largely intact while it was sent through ADDO Price and DDO Twetten to OCA, shown to the staffers and members, and returned to the DO. Four separate copies of the compilation have been found. The first was in [REDACTED] files. The second, marked "Guatemalan Human Rights Rpts. for Review by SSCI Staffers" was initialed by Twetten and Price on June 9, prior to the SSCI staff review. The third was in OCA's files and indicates that the original was returned by OCA to the DDO's office, and the fourth, in DO records, indicates the compilation was received by the DDO's office. The October 1991 report of allegations about Alpirez appears in each package.²⁰

223. A June 22, 1992 OCA memorandum from [REDACTED] to Price advises that Tenet had asked to meet with Price to discuss the package "which was reviewed by the SSCI staff last week." Tenet would be accompanied by [REDACTED] "who have read the reporting as well." (Emphasis added.) Despite the implication that Tenet had seen the package "as well" as [REDACTED] Tenet is confident that he did not see the package when he asked for a meeting with Price.

20. [REDACTED]

224. The OCA memorandum further explained Tenet's interests:

Specifically, his interests relate to the use and utility of this reporting and how it impacts on the Agency's continued support for the [REDACTED]

When good intelligence is developed concerning possible human rights violations in Guatemala what is done to warn those in danger? Is there a general policy? If reporting is developed which identifies specific individuals as responsible for or planning human rights violations, what is the Agency policy of making that information available to proper law enforcement agencies? The reporting indicates that there continue to be right wing elements within the Guatemalan D-2 which violate human rights. [REDACTED]

[REDACTED] Are any efforts made to eliminate such abuses? If the Agency is constrained from using the information on human rights abuses with the proper authorities in Guatemala, what is the utility of collecting it?

225. Apart from this June 22 OCA memorandum, no Agency record has been found regarding what transpired when [REDACTED] reviewed the reports. [REDACTED] recalls [REDACTED] coming to CIA Headquarters to read the compilation of Guatemala reports. Agency policy at the time was that the committees generally were not provided with copies of DO intelligence reports, but committee staff could come to CIA and read such reports. [REDACTED] does not remember how many reports were in the compilation. He says he probably read them but was not familiar with their substance. He believes that the report of the allegations about Alpirez would have stood out as different from the rest, but he does not specifically remember seeing the report in the compilation. He probably counted the reports but would not have checked the reports against the list on the cover sheet since he would have relied on the DO to provide the reports and sanitize them properly.

226. Thus, available evidence indicates that the SSCI staff members were provided with access to the October 1991 report of the allegations about Alpirez as part of their review of the compilation in June 1992. [REDACTED] acknowledges that he probably did see the

October 1991 report in June 1992 and, after recently reviewing that report, says that at least part of the contents was familiar. He says that "the guy shooting the firearm off does ring a bell." [REDACTED] produced a June 16, 1992 Memorandum for the Record describing the review of the ten reports at the Agency. That memorandum notes that the reports he reviewed showed that [REDACTED] and "there are still a number of extremely bad hombres [in the Guatemalan military.]" The [REDACTED] memorandum also says that:

The reporting includes a number of references to senior officers described as violent...one dissem...describes a certain Colonel's notorious temper and proclivity for violence, and then notes that he has recently been walking through town exposing himself and firing guns into the air.

[REDACTED] memorandum concluded by asking three questions:

- ♦ How much value does the information collected have?
- ♦ What would the impact be if it was known that CIA was still providing assistance?
- ♦ What if it were known that CIA had information on human rights abuses it was not acting on?

227. In addition to noting that he probably saw the October 1991 report of the allegations about Alpirez in the compilation, [REDACTED] acknowledges that he may not have attributed any particular significance to it at the time. He says that the "significance of the report might not have jumped out at [me] so that [I] did not recognize its relationship to the DeVine case." [REDACTED]

228. In addition to his and [REDACTED] review of the compilation of ten human rights reports, [REDACTED] recalls that the compilation was

brought, possibly by [REDACTED] to the committee offices for Tenet to review. A subsequent review by Tenet would explain the reference to [REDACTED] seeing the package "as well" in [REDACTED] June 22 memorandum. [REDACTED] however, does not recall such a review and, as previously stated, Tenet does not believe it occurred at all.

229. Early June Cover Note. Before the compilation of ten reports was sent to the ADDO and DDO, it was sent prior to June 6, 1992 to [REDACTED] in [REDACTED] under an undated cover sheet from [REDACTED] in LA Division. For the cover sheet, [REDACTED] provided the following note:

Attached is a batch of [intelligence reports] on human rights issues in Guatemala that we have selected as meeting the criteria we understand the SSCI staffers want to see.

The one on top (the October 1991 report of the allegations about Alpirez) is one which we consider still sensitive because of the detail provided.

The remainder are [REDACTED] but are older reports and lack the detail [REDACTED]

These have been "promised" to the staffers for the week of 8 June. My suggestion is that the DDO approve the provision of a gist of the [October 1991] memo dissem. [REDACTED]

230. [REDACTED] explains that her reference to "a gist" meant that a written summary should be prepared and shown to the staff members instead of the actual report. However, the compilation remained intact throughout the process, no gist has been found, and both [REDACTED] recall seeing the report. Thus, [REDACTED] suggestion about a summary was not implemented. None of the relevant Agency officers recalls discussing the issue.

231. The LA Division cover sheet also noted that the compilation was seen by two staff officers in [REDACTED] before it was sent on to [REDACTED]. The first [REDACTED] officer says she sent the package to the second for review because she had concerns that original, rather

than sanitized, copies of the reports were being provided to the SSCI staff members. She wanted the second officer's views. The cover sheet does not indicate the second officer's response.

232. The second officer does not remember the compilation but says that, if there had been a decision to prepare a gist it would likely have been prepared in her unit. The unit log for that time period indicates that all ten of the reports in the compilation had been cleared for release to the SSCI staff members.

233. June 26 Tenet-Price Meeting. On June 26, 1992, Tenet met with ADDO Price in Price's office at Headquarters. [REDACTED] accompanied Tenet. LA Division Chief [REDACTED] (at least for a time), OCA's [REDACTED] and an officer from the DO's [REDACTED] were also present. The purpose of the meeting was to discuss the concerns expressed earlier by Tenet and described in [REDACTED] June 22 memorandum advising Price that Tenet desired a meeting.

234. No record has been found in the Agency regarding this meeting. The only written record of what occurred in this meeting that has been found is [REDACTED] notes, according to which the meeting began with an explanation by the [REDACTED] officer regarding the DO's human rights guidance. The [REDACTED] officer had been invited to the meeting personally by Price to deal with human rights guidance issues. The [REDACTED] officer, according to [REDACTED] notes, said:

[Executive Order 12333] does not address human rights, just assassination. Desk and case officers directed to try and play a positive role. [REDACTED]

[REDACTED]

[REDACTED]

The content of these remarks can be read to indicate an expectation that the October 1991 report about Alpirez would be discussed. However, none of the Agency participants recalls discussing the October 1991 allegations about Alpirez before or during the meeting. A DO officer who was not a participant remembers LA Division colleagues returning from a meeting complaining that they had been prepared to brief congressional staff on the DeVine case [REDACTED]

[REDACTED]

235. [REDACTED]

[REDACTED]

[REDACTED] The only specific reference in [REDACTED] notes to the DeVine case is:

Michael De[V]ine - Living in Peten, had a Galil, Captain leading the team, De[V]ine died in interrogation. D-2 investigation stonewalled. MOD remanded, Contreras, Mendoza. Captain Contreras being tried, The President is taking steps. (Emphasis added.)

The reference to DeVine dying while under interrogation was information that, at that time, was unique to the October 1991 report of the allegations about Alpirez. It is not clear who was being quoted, but [REDACTED] is identified earlier in the notes. It also is possible that the statements were made by [REDACTED]

236. [REDACTED] recalls attending a meeting with Tenet and Price [REDACTED] but he does not remember whether it occurred on June 26. [REDACTED] says it is quite possible that he attended the Price-Tenet meeting in June.

237. According to [REDACTED] during the June 26 meeting, there was an exchange between Tenet and Price regarding whether [REDACTED] recollection is strongly disputed by Tenet and is not supported by the others who were

present.²¹ As far as can be determined, however, there was no probing during the meeting regarding the October 1991 Alpirez report and no discussion of that report between [REDACTED] and Price after the meeting. Price does not recall learning anything about Alpirez until late 1994.

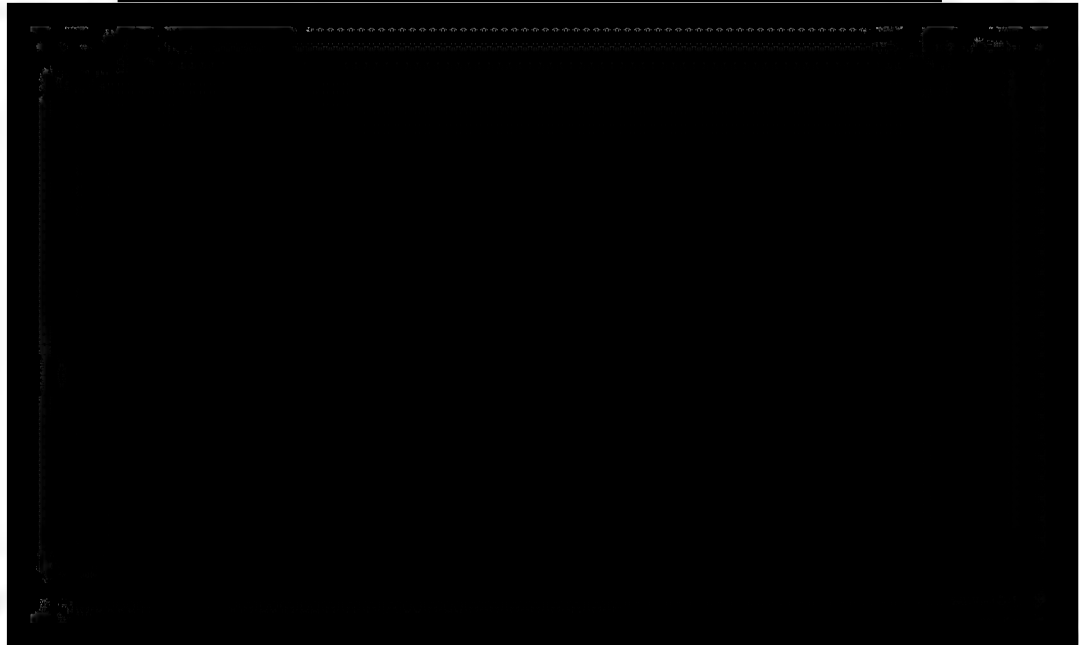
238. There appear to have been no further briefings of the committee staffs regarding the DeVine case during the summer of 1992. [REDACTED]

239. On February 3, 1995, HPSCI and SSCI staff members were briefed by LA Division managers about the allegation that Alpirez was responsible for Bamaca's death. It was not until that time, it appears, that they were told that Alpirez [REDACTED] had allegedly been present when DeVine was interrogated.

WOULD CURRENT STATUTES, REGULATIONS AND PROCEDURES REGARDING HUMAN RIGHTS REPORTING AND CONGRESSIONAL NOTIFICATION HAVE REQUIRED DIFFERENT ACTION IF THEY HAD BEEN IN PLACE AT THE TIME?

240. The following Headquarters cables to all LA stations and bases reflect revised guidance concerning human rights reporting since the October 1991 allegations about Alpirez were reported:

21 [REDACTED]



241. The DO's awareness of the need for heightened scrutiny of [REDACTED] assets who are involved in human rights abuses has clearly increased over the past several years. [REDACTED]

[REDACTED] and the associated referral to DoJ indicate that there was awareness of these issues even in October 1991. Similar reactions would be even more likely today, and attention to notification of the Congress would almost certainly be higher.

242. No significant revision of the regulations and procedures concerning congressional notification have been found. A greater effort to make DO personnel more aware of the need to be forthcoming with the oversight committees has been underway in recent years, however. This effort appears to have borne fruit in the

immediate recognition by LA Division officers in January 1995 that the committees should be advised when the report alleging that Alpirez killed Bamaca was received.

HOW WAS THE OCTOBER 1991 INFORMATION HANDLED WITHIN THE EXECUTIVE BRANCH? WAS IT USED AS THE BASIS OF A DEMARCHE TO THE GOVERNMENT OF GUATEMALA?

243. The information provided to CIA [REDACTED] in August 1990 was the first information available to the U.S. Government from within the Guatemalan military implicating the Guatemalan military in DeVine's killing. The only reporting concerning military involvement in DeVine's killing from the Embassy at that time was based on information generated by [REDACTED] hired by DeVine's widow to determine why he was killed. It was used as the basis for a demarche by Ambassador Stroock to the President of Guatemala calling for action to be taken against those Guatemalan military officers who were responsible for DeVine's killing. Together with additional CIA reporting in December 1990 indicating that the Guatemalan Defense Minister was blocking the investigation into the military's role in DeVine's death, the information provided [REDACTED] in August 1990 played a key role in the U.S. decision to suspend military assistance to Guatemala.

244. As explained earlier, the October 1991 allegation that Alpirez was "present" during the interrogation of DeVine was disseminated to:

Assistant to the President for National Security Affairs;
Assistant Secretary of State for Inter-American Affairs;
Assistant Secretary of State, INR;
Director, DIA;
Director, FBI;
Manager, DoJ Command Center; and
U.S. Ambassador, Guatemala.

245. The Agency does not determine the basis for demarches or become involved in making them, and no record has been found in

Agency files that the October 1991 allegations about Alpirez were specifically used in any demarche regarding DeVine's killing. However, according to a December 26, 1991 cable the Station sent to Headquarters, then-DCM Phillip Taylor--who was acting in the absence of Ambassador Stroock, the [REDACTED] and COS [REDACTED] met that day with Guatemalan Defense Minister Garcia Samayoa "...to let him know that the Embassy was still interested in the DeVine case, knew what had happened, and was asking the Government of Guatemala to move forward to a speedy resolution." Also, according to a March 4, 1992 [REDACTED] message, the [REDACTED] and Consul General on March 3, 1992 accompanied the DeVine family lawyer to brief Chief of the National Defense General Staff Perrussina on the DeVine case. One of the actions that Perrussina was told would help to bring the case to closure was to instruct Alpirez to give an honest and complete declaration about what he knew of the case.

IS THERE ANY INFORMATION IN ALPIREZ'S AGENCY [REDACTED] RECORDS TO INDICATE THAT THE CIA KNEW, OR SHOULD HAVE KNOWN, THAT HE MIGHT COMMIT CRIMINAL ACTS OF THIS SORT?

246. CIA records include no information, prior to the October 1991 report, to indicate that Alpirez was involved in, or had any tendencies towards, human rights abuses. Further, the October 1991 report represents an allegation that Alpirez was present when DeVine was interrogated, and perhaps when he died, but not that he actually killed DeVine. The January 1995 report that Bamaca was killed by Alpirez was based on "talk" within the Guatemalan military and is only one of a variety of accounts of what happened to Bamaca.

HOW DID ALPIREZ PERFORM WHEN HE ATTENDED THE COMMAND AND GENERAL STAFF COURSE AT FORT BENNING, GEORGIA? ARE THERE ANY WRITTEN EVALUATIONS ON RECORD? DID EITHER THE AGENCY OR THE ARMY HAVE ANY INDICATIONS THAT ALPIREZ WAS THE SORT OF PERSON WHO MIGHT COMMIT ATROCITIES? IF SO, DID EITHER ORGANIZATION TAKE ANY ACTION? IF EITHER ORGANIZATION HAD CONCERNS, DID IT SHARE THEM WITH THE OTHER?

247. The U.S. military annually allocates a number of training positions at sites in the U.S., including Fort Benning, to the Guatemalan military. The Guatemalans typically send only their best officers to these courses. The officers are selected from the top graduates of the Guatemalan Staff School, and attendance is regarded as a prerequisite for promotion to Colonel. The Guatemalan military selected Alpirez to attend the Command and General Staff Course (CGSC) at Fort Benning in 1989.

248.

The only document the Department of Defense has been able to provide concerning Alpirez's participation in the CGSC in 1989 is a list of students that indicates that Alpirez participated in the CGSC from January 16 to December 8, 1989.

249. As stated earlier, the Agency had no indication in 1989 when he was selected to attend training at Fort Benning that Alpirez had any tendency to engage in atrocities, nor is there any information in Agency files to suggest that the U.S. Army had any such information. At that time, information available to the Agency indicated that Alpirez stood out as one of the Guatemalan officers who was most cooperative and supportive of the U.S.

WAS THE INFORMATION REGARDING ALPIREZ'S INVOLVEMENT IN THE DEVINE CASE FULLY REPORTED TO THE DEPARTMENT OF JUSTICE (DOJ) ON A TIMELY BASIS? WHY DID IT TAKE CIA FROM OCTOBER 17, 1991 UNTIL NOVEMBER 18, 1991 TO REPORT THE INFORMATION TO DOJ? WHY DID IT TAKE DOJ FROM NOVEMBER 18, 1991 TO MARCH 18, 1992 TO DETERMINE THAT IT HAD NO JURISDICTION IN THIS CASE? DID THE CIA FOLLOW UP WITH DOJ DURING THAT FOUR-MONTH PERIOD? IF NOT, WHY NOT? IS THERE A WRITTEN RECORD OF DOJ'S DETERMINATION OR OF ANY CIA/DOJ CONTACT DURING THAT TIME?

250. Decision to Report. Consultation with the Department of Justice (DoJ) was considered by DO management almost immediately after Headquarters received, on October [REDACTED] 1991, information alleging that Alpirez had been present at DeVine's interrogation. The October 1991 information came to the attention of OGC's representative in LA Division, [REDACTED] either directly or through [REDACTED] then-Deputy Chief of LA Division's [REDACTED] and [REDACTED] recommended consultation with DoJ, and their advice apparently was accepted quickly by LA Division management.

251. On October 18, 1991, Chief, LA/ [REDACTED] noted that the allegations about Alpirez had made quite an impression on LA Division management. In a note to Chief, LA Division, [REDACTED] stated:

The attached intel is dynamite (and big trouble)! [REDACTED]

[REDACTED] etc. until they speak with FBI and Justice and figure out how to approach this case. This could well spell the end to all aid to the Govt of Guatemala, [REDACTED]

252. Then-LA Division Chief [REDACTED] says that he probably was involved in the decision to go to DoJ. He also believes that the issue may have been discussed with DDO Twetten on October 21, 1991. On that date, a HPSCI staff pre-brief was held [REDACTED]

[REDACTED]

253. As explained earlier, a Q&A page prepared for that hearing contains commentary specifically addressing the October report. The commentary noted that the information had not yet been briefed to the HPSCI and stated an intention, as of October 23, to brief the HPSCI Staff Director, disseminate the information and brief DoJ by October 29, 1991. The Q&A page also indicated that additional questions had been forwarded to the Station in order to clarify the information concerning Alpirez before it would be disseminated. This Q&A page was most likely prepared by [REDACTED] or [REDACTED], Chief, [REDACTED] with input from [REDACTED]. However, none of the them recalls working on it.

254. [REDACTED]

[REDACTED]

255. [REDACTED]

[REDACTED]

[REDACTED]

256. [REDACTED]

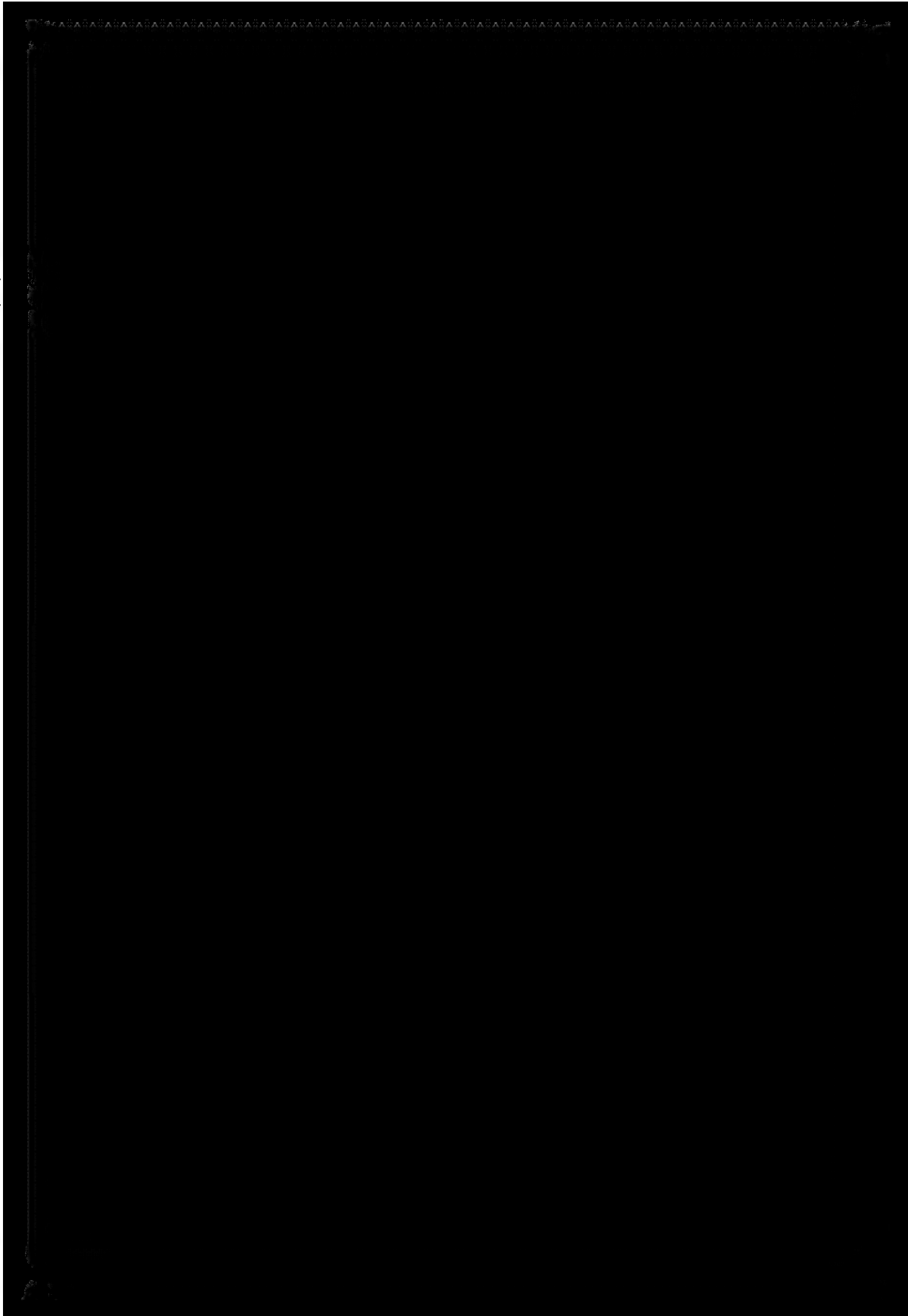
[REDACTED]

[REDACTED]

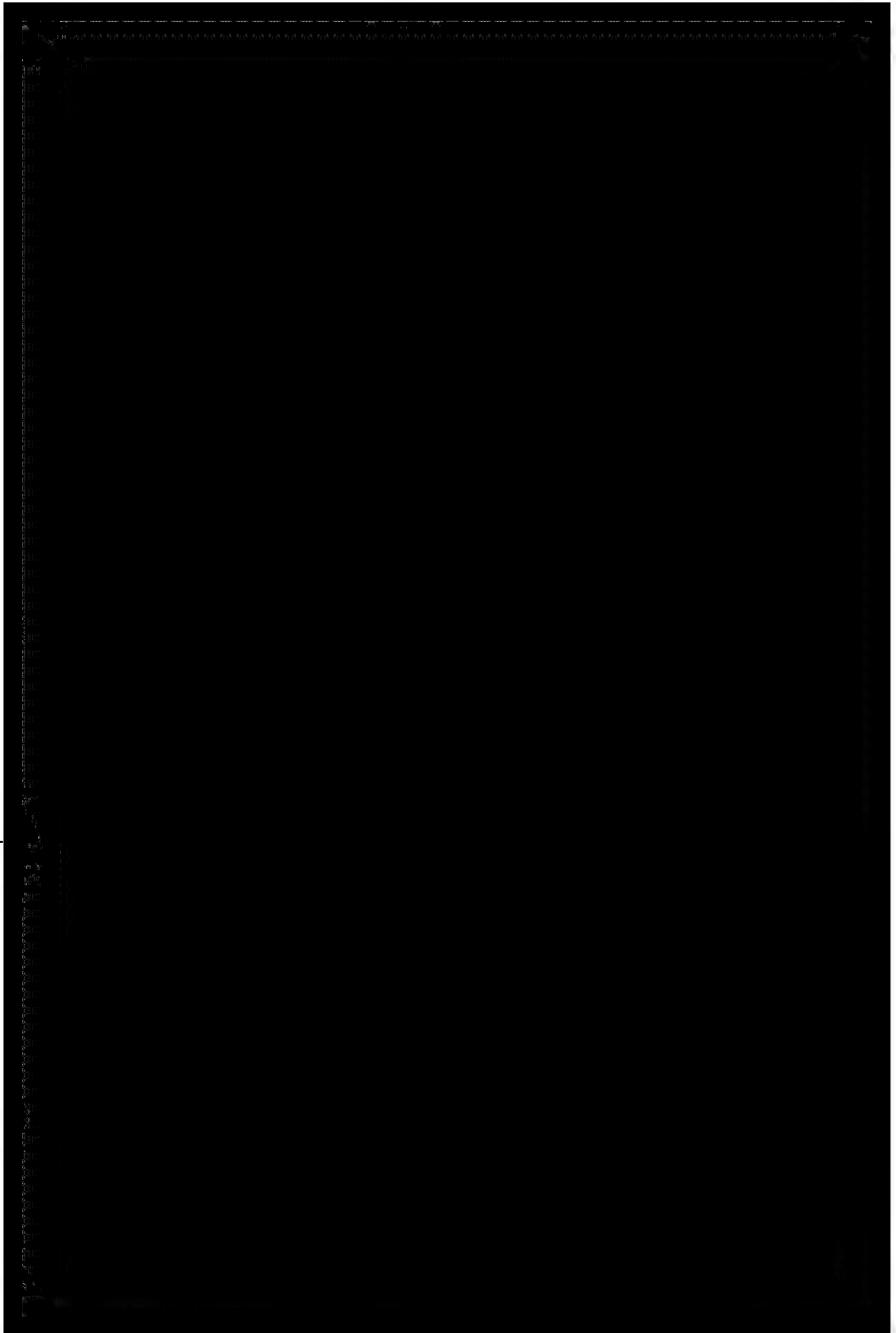
[REDACTED]

257. Considerations Prior to DoJ Consultation. Despite LA Division's stated intention as early as October 23 to discuss the matter with DoJ, contact with the Department apparently did not take place until November 18 and 20, 1991. This delay appears to have been due to (a) efforts to assess the veracity and reliability of the October [REDACTED] information; (b) consideration of issues relating to [REDACTED] and (c) the process of converting information into a proper form for dissemination.

(a) Veracity and Reliability. Headquarters recognized that the October 1991 information was not consistent with the information [REDACTED] provided in August 1990 and that had been disseminated to DoJ, the FBI and other recipients. The August 1990 report indicated the Guatemalan military had been responsible for the DeVine killing and was engaged in a cover-up, but it did not mention Alpirez's presence during an interrogation of DeVine. [REDACTED]



~~SECRET~~





[REDACTED] The conversion of the October [REDACTED] report into memorandum format and the full coordination process could easily have taken an additional week once the questions of veracity and source protection were resolved.

In any event, on October 30, a memorandum signed by then-DDO Twetten and containing the information received from the Station on October [REDACTED] regarding Alpirez's alleged presence during DeVine's interrogation, was completed and disseminated to:

Assistant to the President for National Security Affairs;
Assistant Secretary of State, INR;
Director of DIA;
Director of the FBI; and
Manager of the DoJ Command Center

258. Crimes Report. Following Headquarters-Station agreement regarding the wording of the disseminated form of the October [REDACTED] information, probably on October 29 or 30, [REDACTED] sent a copy of the draft of that dissemination and a proposed crimes report to DoJ to Agency General Counsel Elizabeth Rindskopf. [REDACTED] attached a note indicating that:

the plan is to hand-carry this draft to Mark Richard, after the intel is issued. The report is more detailed than usual. LA Division believes that given the political sensitivity of this matter, they should present DoJ with the full picture at the start. [REDACTED]

[REDACTED]

259. [REDACTED]

[REDACTED]

[REDACTED]

260. Meeting with DoJ. According to a November 20, 1991 [redacted] memorandum for LA Division Chief [redacted] Rindskopf met with Richard in Rindskopf's office at CIA Headquarters late in the day on November 18, 1991 to discuss a number of issues, including the October 30 dissemination. A meeting was scheduled for 3:00 p.m. on that date, and Agency entry/exit records confirm that Richard and another DoJ representative in fact visited Headquarters that day.

[redacted], OGC's [redacted] attended the meeting as well.

261. According to the [redacted] memorandum, Richard was told that, "new information indicated DeVine had been arrested by the Guatemalan military and died during interrogation...a military officer [redacted] admitted [redacted] he had been present during the interrogation." [redacted]

[redacted] According to [redacted] memorandum, Richard expressed doubts as to whether DoJ had jurisdiction over the case, for jurisdiction would be predicated on a determination that the murder had been intended "to coerce, intimidate or retaliate against a government or civilian population" under the relevant law.²²

262. According to the [redacted] memorandum, the CIA participants in the meeting explained that there was no information indicating that there were any political overtones to the arrest and killing, and Richard indicated that DoJ files would have to be reviewed. Based on Richard's doubts about jurisdiction, [redacted] memorandum concluded that "it is likely that Justice would not pursue that matter at this time, unless they have independent evidence indicating that DeVine's death was politically motivated." None of the participants have much recollection of what transpired at the meeting, but the CIA officers remember having the impression that no action would be taken with respect to Alpirez until DoJ had made a decision on the matter.

²² The relevant law is discussed further in paragraph 169.

263. Crimes Report Letter. A proposed crimes report, in the form of a letter from Rindskopf, had been prepared by [REDACTED] for provision to Richard at the November 18 meeting. According to [REDACTED] memorandum, however, Richard said that he would prefer not to take the letter, and arrangements were made to hand-deliver it to Richard's office on November 19.²³ Rindskopf signed the letter to Richard on November 19 and, according to a note on one of OGC's copies, it was to be hand-carried to DoJ on the morning of the 20th. DoJ did receive the Rindskopf letter, and a copy appears in the files of a DoJ Terrorism and Violent Crimes Section attorney, Stanley Rothstein, to whom the case was assigned by DoJ.

264. The November 19 letter advised DoJ that the Agency had received new information regarding DeVine's death that varied from information provided to DoJ and the FBI in August 1990 and that [REDACTED] may have witnessed DeVine's death." The letter also stated that [REDACTED] Alpirez, the former commander of the Poptun base near where DeVine was killed, [REDACTED] was present when Contreras interrogated DeVine and that, during the interrogation, Contreras wrapped a poncho around DeVine's head." Doing so, the letter continued, led to DeVine's death, apparently from heart attack or suffocation. In contrast, stated the letter, the August 1990 intelligence report that had been disseminated to DoJ contained information [REDACTED] "did not indicate he had been present at DeVine's death."

265. The November 19 crimes report letter was unusual in several respects when compared with normal OGC procedures for handling crimes reports. It was signed by the General Counsel instead of the Deputy General Counsel to whom crimes reporting responsibilities had been assigned. It specifically named the individual, Alpirez, who may have engaged in criminal conduct instead of referring only to "an individual" or "asset" and providing

²³ A log maintained by the other DoJ representative at this meeting indicates that, on November 18, she obtained a crimes report from CIA and provided it to Mark Richard the following day. No connection between this report and Guatemala has been established.

specific identification of the individual only in response to follow-up inquiries by DoJ attorneys. It did not contain a crimes log number of the type normally used within OGC for tracking referrals to the Department. In fact, a specific reference to such a number was edited out of the draft that had been prepared by [REDACTED] on or about October 27.

266. In addition, the letter was unusual in that it included sensitive information concerning Agency sources that is not even normally included in intelligence reports and was not included in the August 1990 and October 1991 intelligence disseminations. The letter acknowledged that it contained sensitive source information beyond that provided to the Department and FBI through intelligence channels "because the Agency believes the sources' lives could be at risk were it revealed that they had provided information to the U.S. Government which implicated Guatemalan military officers in the death of De[V]ine." Also, OGC crimes reports are normally made only in writing. In this case, Richard was briefed personally about the case.

267. OGC attorneys who were involved explain that these departures from normal crimes reporting practice occurred because OGC wanted to make sure that the report and its significance did not escape DoJ's attention. [REDACTED] explains that the matter "was purposely not handled as a normal crimes report. It was not a garden variety report, and there were concerns it might disappear off DoJ's screen" if processed normally. Thus, says [REDACTED] "it was decided to stick the report in front of DoJ's nose in a direct meeting and to have Rindskopf sign the report."

268. [REDACTED]

[REDACTED]

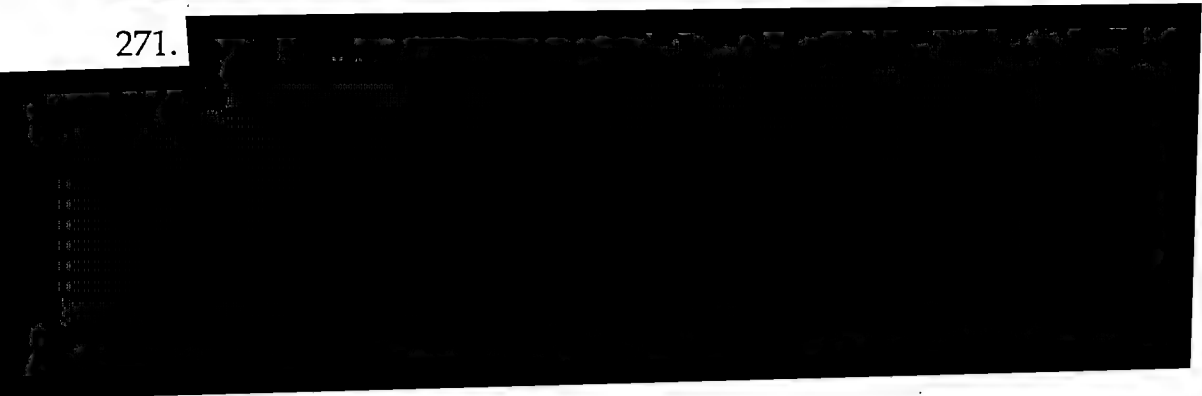
269.



270.



271.



272. [REDACTED]

273. [REDACTED]

274. Reasons for Reporting to DoJ. The allegations regarding Alpirez were shared with DoJ because they indicated his possible involvement in DeVine's death, [REDACTED]

[REDACTED] says the matter was reported to DoJ even though the requirement for such action under existing guidelines for crimes reporting was "questionable because there was no potential tie to the United States."²⁴ The report in this case, according to [REDACTED] was done

²⁴ Under Section 1.7(a) of Executive Order 12333, CIA is required to "[r]eport to the Attorney General possible violations of federal criminal law by employees and of specified federal criminal laws by any other person as provided in procedures" approved by the Attorney

more out of caution than based upon a judgment that the matter met the relevant thresholds.

275. [REDACTED]



276. DoJ Report and Notice to Congress. No evidence has been found to indicate that the crimes report was used as a basis for not reporting the information to the congressional intelligence committees. [REDACTED]



[REDACTED] He initially theorized that Agency lawyers "may have asked us to hold off and not tell Congress" until DoJ considered the matter. [REDACTED] stresses that he did not specifically recall such a request but was extrapolating from the coincidence that the matter was reported to DoJ in November 1991 at roughly the same time the information was being considered for reporting to the intelligence committees. Upon reflection, however, [REDACTED] believes that this theory is not valid since he recalls no discussion of going to DoJ and not telling Congress. Moreover, even if DoJ had not wanted the information reported to the committees for fear that it might be made public and [REDACTED] that concern would have been removed as an obstacle to reporting to the committees in March

General. Those procedures specify that such reports should be made when the conduct in question may violate laws related to international terrorist activity.

1992 when DoJ advised that it had no interest in pursuing the case. [REDACTED] says he now believes that any failure to inform the Congress is because the matter simply fell between the cracks because of intervening events.

277. None of the other Agency officers who were involved, including OGC attorneys, believes that reporting to DoJ was used to justify not reporting to the intelligence committees. [REDACTED] questions whether there would be any additional risk in informing the committees once the information was disseminated outside the Agency and shared with DoJ, and "can't conceive of telling DoJ and not the Hill." [REDACTED] says that the Agency did not report the October [REDACTED] information to DoJ as a pretext to avoid reporting it to Congress, the State Department, or the Ambassador.

278. None of the OGC personnel who were involved, including Rindskopf, [REDACTED] recalls discussions with anyone in the Agency or DoJ regarding congressional notification. [REDACTED] remembers LA Division intentions "early on" that Congress should be briefed regarding the October 1991 allegations about Alpirez, but he did not participate in those discussions.²⁵

279. No evidence has been found that Ambassador Stroock or the State Department were advised that the October [REDACTED] allegations about Alpirez had been the subject of a crimes report to DoJ. Stroock says that "he was not told the first thing about what had been told [DoJ], what DoJ was looking into, or what its response was." Stroock considers it to have been a "serious error" on the Agency's part not to have advised him of this. However, Stroock thinks that "the mistake may have been made at Headquarters instead of the field."

280. DoJ Consideration of the Crimes Report. No record has been found to indicate that the results of the November 1991 meeting with DoJ were communicated to the Station. Agency officers

²⁵ The October [REDACTED] allegations about Alpirez also were not shared with the Inspector General and, in the view of Rindskopf, probably should have been.

acknowledge that information may have been communicated by telephone or by officers traveling to or from the Station. [REDACTED]

[REDACTED] Others say that there was nothing significant to report to the Station until DoJ made a decision in the case.

281. DoJ initially had to determine whether it would have jurisdiction in the case. This determination depended, in part, on the facts. The relevant terrorism statute, Section 2332 of Title 18, U.S. Code, makes it a federal crime to kill a national of the United States while the U.S. national is outside the United States in certain circumstances. In order to prosecute, however, the Attorney General must certify that the killing was "intended to intimidate, coerce, or retaliate against a civilian population."²⁶ Such an Attorney General certification can be difficult to make in a case where there is no clear terrorist motive, and it depends heavily on the facts.

282. [REDACTED] recalls that he did not know how long DoJ would require to make a decision, but his impression was that the Agency [REDACTED] and, thus, there was no urgency. [REDACTED] recalls that, following the November 18, 1991 meeting with DoJ, he discussed the status of the DoJ review with Rothstein "a couple of times." [REDACTED] prepared notes on December 5, 1991 that appear to refer to one of these conversations:

Stanley Rothstein DoJ [REDACTED]
DeVine ⇒
 Earlier report Aug 1990
 ⇒ Who received -
 U.S. Citizen who he was - what he was doing
 Alpirez - role in previous information
 [REDACTED]

283. [REDACTED] remembers that Rothstein had trouble locating a copy of the August 1990 dissemination at DoJ [REDACTED]

²⁶ The term "international terrorism" is defined in 18 U.S.C. § 2331 to include these elements.

[REDACTED]
[REDACTED] Rothstein had also asked what else the Agency knew about the DeVine killing and the possible involvement of Guatemalan guerrillas. [REDACTED] consulted with LA Division but found little to add to what had already been provided to DoJ regarding the DeVine case. Rothstein was also seeking information from the FBI and recalls some difficulties in communicating with FBI personnel who knew something about FBI activities in the DeVine case.

284. Rothstein says that he had a copy of the November 19, 1991 Rindskopf crimes report letter and recalls only one telephone conversation with [REDACTED]. That conversation, according to Rothstein, was merely to establish contact with the Agency attorney identified as responsible in the crimes report letter. Rothstein recalls no other telephone conversation with [REDACTED]. He also recalls no discussion with Agency personnel concerning DoJ's ultimate decision in the case, although he acknowledges that the subject may have come up during a meeting he attended at CIA Headquarters at which [REDACTED] may have been present.²⁷

285. DoJ's Response to the Crimes Report. On March 18, 1992, four months after the Alpirez report was brought to DoJ's attention, Headquarters advised the Station that:

[REDACTED]

[REDACTED]

[REDACTED]

286. According to Headquarters' officers, this Headquarters instruction was based upon an oral discussion between [REDACTED] and a [REDACTED]

²⁷ Agency entry/exit records, which are often fragmentary and incomplete, indicate only one visit by Rothstein to CIA Headquarters in 1991 and none in 1992. The 1991 visit was in September, well before the October report and the November meeting.

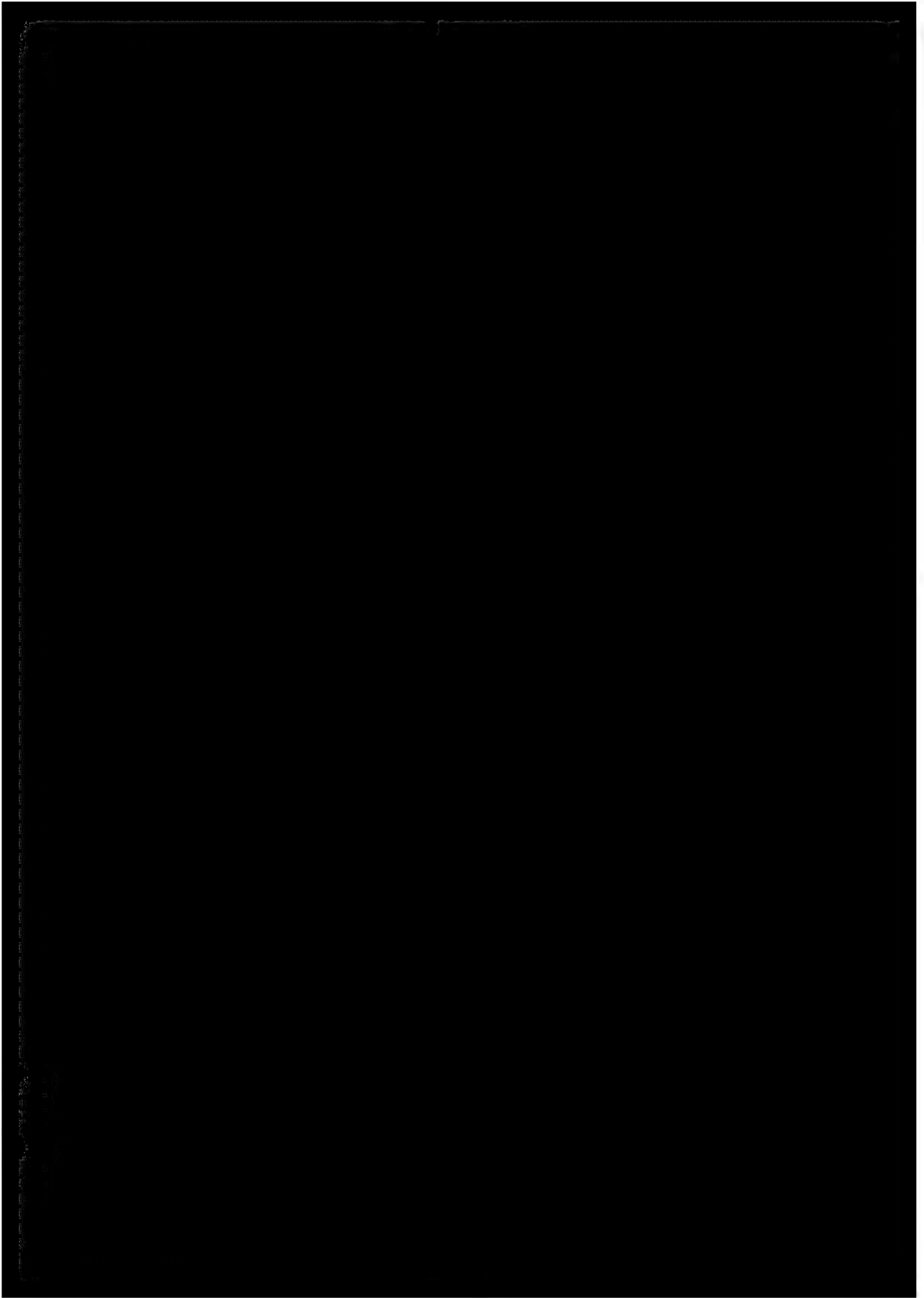
DoJ representative. No record has been found in DoJ or Agency files of a written DoJ response to the crimes report, but [REDACTED] remembers an oral discussion with someone at DoJ on this subject and believes that discussion probably formed the basis for the March 18 message. According to [REDACTED] the conversation with a DoJ representative that he recalls may have taken place by telephone or during a meeting at Headquarters on another case to which Rothstein was invited. Others in OGC and LA Division, including [REDACTED] and the Headquarters officer who sent the March 18 message, recall learning at the time that clearance to act had been received from DoJ.

287. [REDACTED] does not recall being told that DoJ had reached a decision or that the case was closed. Instead, [REDACTED] at first recalled the DoJ representative saying that the FBI had been consulted and [REDACTED]; there would be no problem." Subsequently, [REDACTED] says that it is possible that the DoJ representative did not specifically refer [REDACTED] but [REDACTED] recalls receiving the impression that the Agency could go ahead and undertake any further action it believed was appropriate. [REDACTED] says that the discussion most likely was with Rothstein, but it could have been with one of Rothstein's DoJ supervisors. The DoJ supervisor has no recollection of such a conversation. Rothstein does not recall discussing DoJ's decision on the case with [REDACTED] and says that he would not have approved Agency action [REDACTED] without discussing the matter with his supervisors. No one in his chain of command at the time recalls discussing such an issue. [REDACTED] says that he most likely would have told [REDACTED] or the Headquarters officer who sent the March 18 message to the Station about his conversation with DoJ, but [REDACTED] would not necessarily have reviewed the message before it was sent.

288. [REDACTED]

[REDACTED]

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[REDACTED]

290. [REDACTED]

[REDACTED]

291. Why Did It Take DoJ Four Months to Respond? The four month period that elapsed before DoJ responded to the November 1991 crimes report does not appear unduly lengthy to the OGC personnel who were involved. [REDACTED] does not consider DoJ's response to have been dilatory or slow, and he says that, "for what [DoJ] had to do, it moved quickly." [REDACTED] says that, "in [my] experience with DoJ, four months is not an unusual wait for a reply." Other OGC personnel involved in sending crimes reports to DoJ indicate that four months is a relatively good response time on a case that DoJ does not decide to pursue.

292. Rindskopf recalls that CIA was eager to report the matter to DoJ as soon as possible, but "there was no great urgency for DoJ to get back to us, and Mark [Richard] probably knew this." [REDACTED]

[REDACTED] Rindskopf says that no one at the November 18, 1991 meeting expected that DoJ would have to resolve the issue in the near term [REDACTED]

[REDACTED]

293. Rothstein says he had no discussion with [REDACTED] or anyone else at CIA indicating that the Agency [REDACTED] [REDACTED] was awaiting an answer from DoJ. Rothstein says that if he knew CIA required an early answer, he would have made the case a higher priority. [REDACTED]

[REDACTED] The legal question was really one of jurisdiction. [REDACTED]

28

294. [REDACTED] apparently had a conversation with Rothstein regarding the DeVine case on May 30, 1992 but its purpose is obscure. [REDACTED] notes of that date include the following:

5/30
Stan Rothstein
DeVine

Nov.

1990
FBI Agent DoJ
earlier report

295. [REDACTED] has no recollection of the subject of these notes and cannot explain what this conversation was about. [REDACTED]

²⁸ Further complicating DoJ-CIA communications may have been the fact that Richard encountered serious medical problems shortly after November 1991 that continued into 1992.

[REDACTED] does not believe the notes indicate that the DoJ review of the Alpirez crimes report had not yet been concluded. Rothstein's notes contain a reference to a June 8, 1992 visit from an FBI agent, and he believes this visit may have had something to do with the November 19, 1991 crimes report from CIA. If Rothstein's recollection is correct, this meeting would indicate continuing DoJ interest in the October 1991 allegations about Alpirez months after the Agency believed it was told by DoJ (March 18, 1992) that it planned to take no further action.

296. [REDACTED]

[REDACTED]

1

DOJ REFERRAL CHRONOLOGY

1990

June 9 DeVine is killed.

August CIA provides a dissemination to State, DoJ and others describing the visit of a Guatemalan military surveillance team to Poptun the day before DeVine is killed and Guatemalan Government attempts to cover-up its involvement.

1991

October Station forwards allegations from [REDACTED] that DeVine had been brought to the Poptun base where he died during interrogation and that Alpirez had been present. In addition, [REDACTED] described Alpirez as an extremely violent man who had murdered guerrilla prisoners in the past and had recently engaged in bizarre behavior such as walking through the town where he was stationed, exposing himself and firing weapons into the air.

October 18 LA Division officer [REDACTED] describes Oct [REDACTED] information as "dynamite" and advises [REDACTED] until OGC speaks with FBI and DoJ.

October 23 Q&A page indicates intent to brief DoJ by October 29.

October 24 [REDACTED]

October 30 CIA disseminates October [REDACTED] allegations to DoJ's Command Center, FBI, State, and other recipients.

November [REDACTED]

November 18 OGC discusses October [REDACTED] allegations with DoJ's Richard [REDACTED]

November 19 General Counsel Rindskopf sends a crimes report to DoJ.

December 5 DoJ's Rothstein consults by phone with OGC on the case.

1992	
March 18	[REDACTED]
April 6	Headquarters advises Station that other agencies (having in mind at least DoJ) have finally decided that they plan to take no action regarding Alpirez. [REDACTED] [REDACTED] [REDACTED]
May 6-12	[REDACTED] [REDACTED]
July 18	[REDACTED] [REDACTED]

[REDACTED]

297.

[REDACTED]

[REDACTED]

298.

[REDACTED]

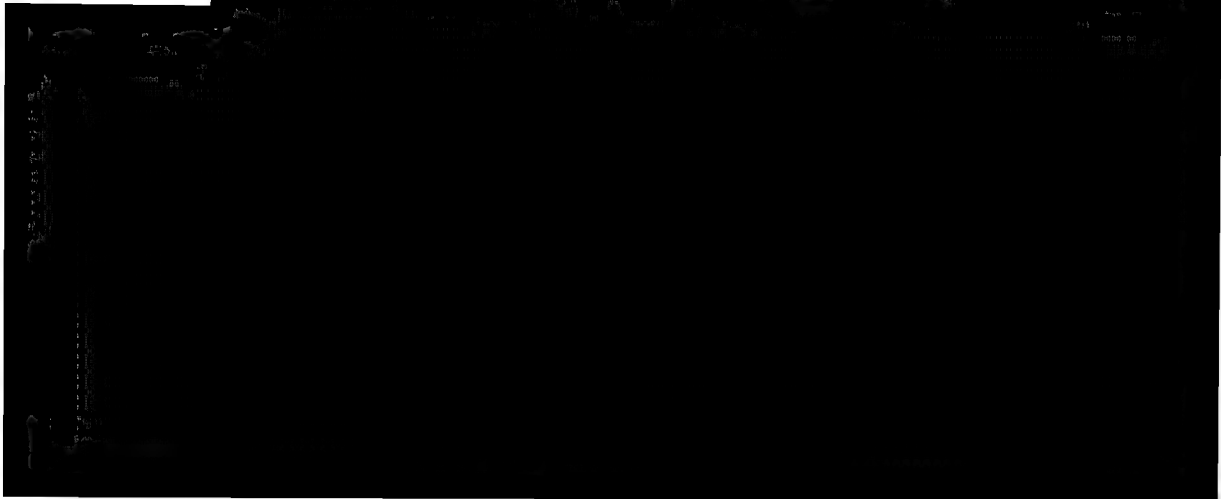
[REDACTED]

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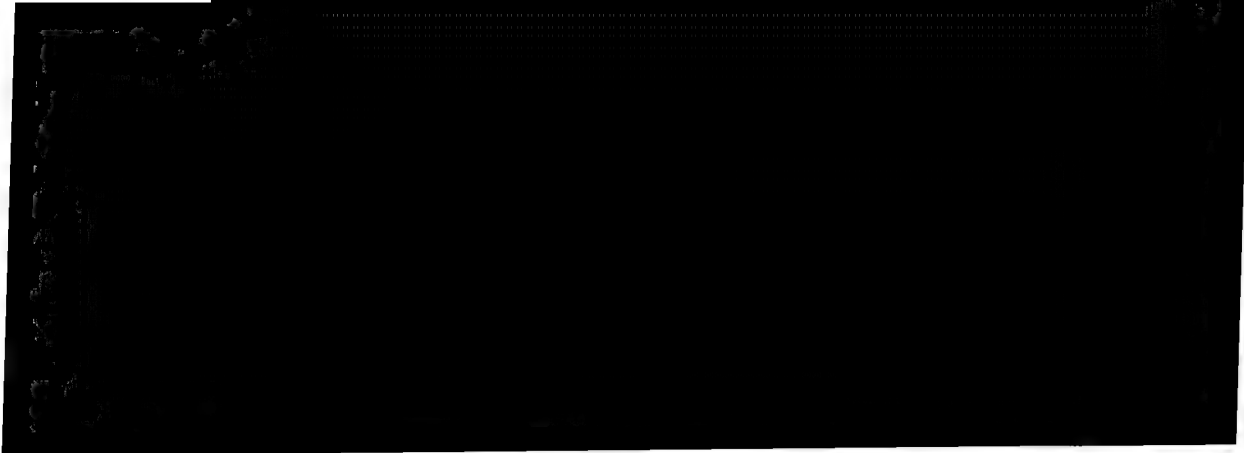
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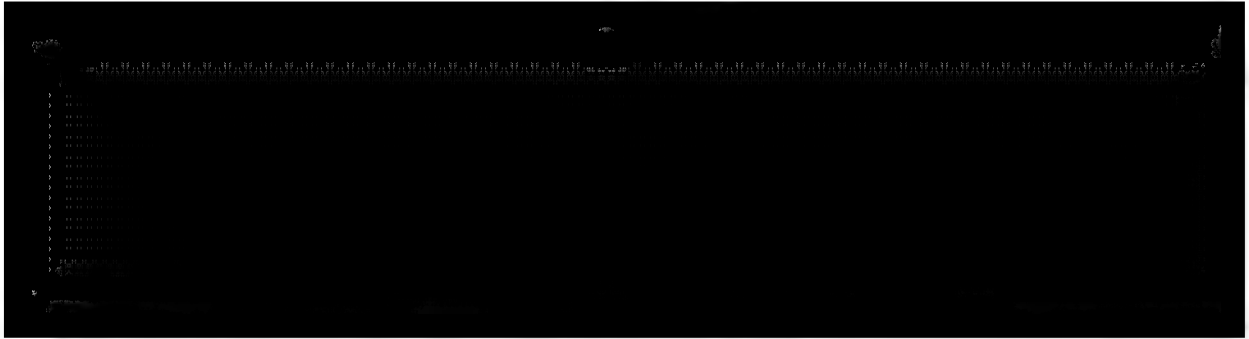


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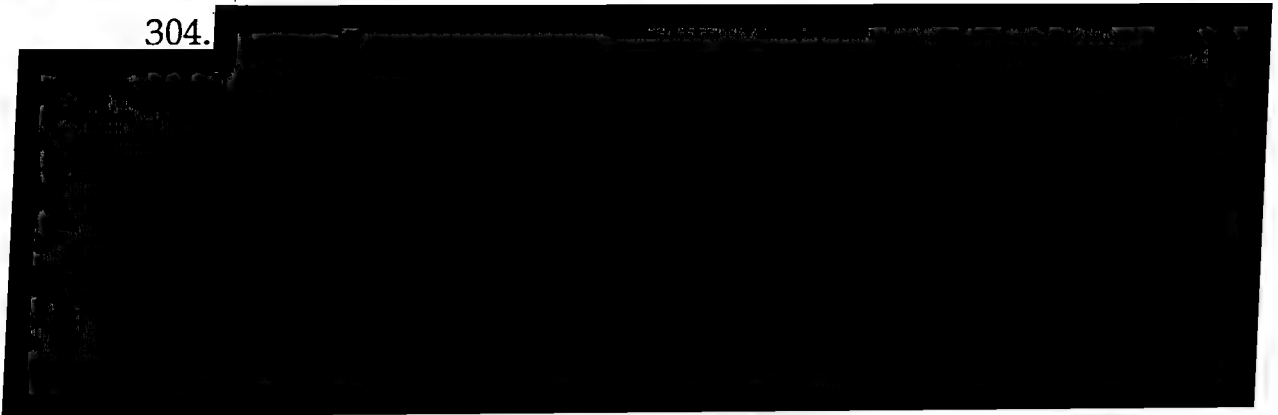




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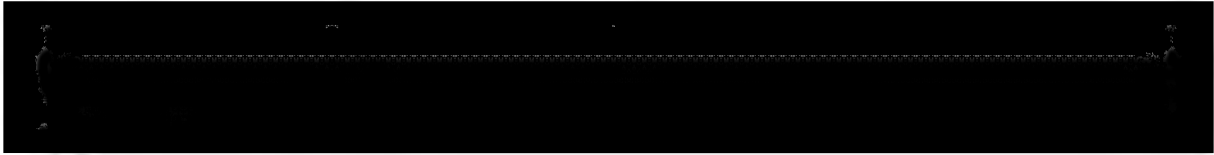
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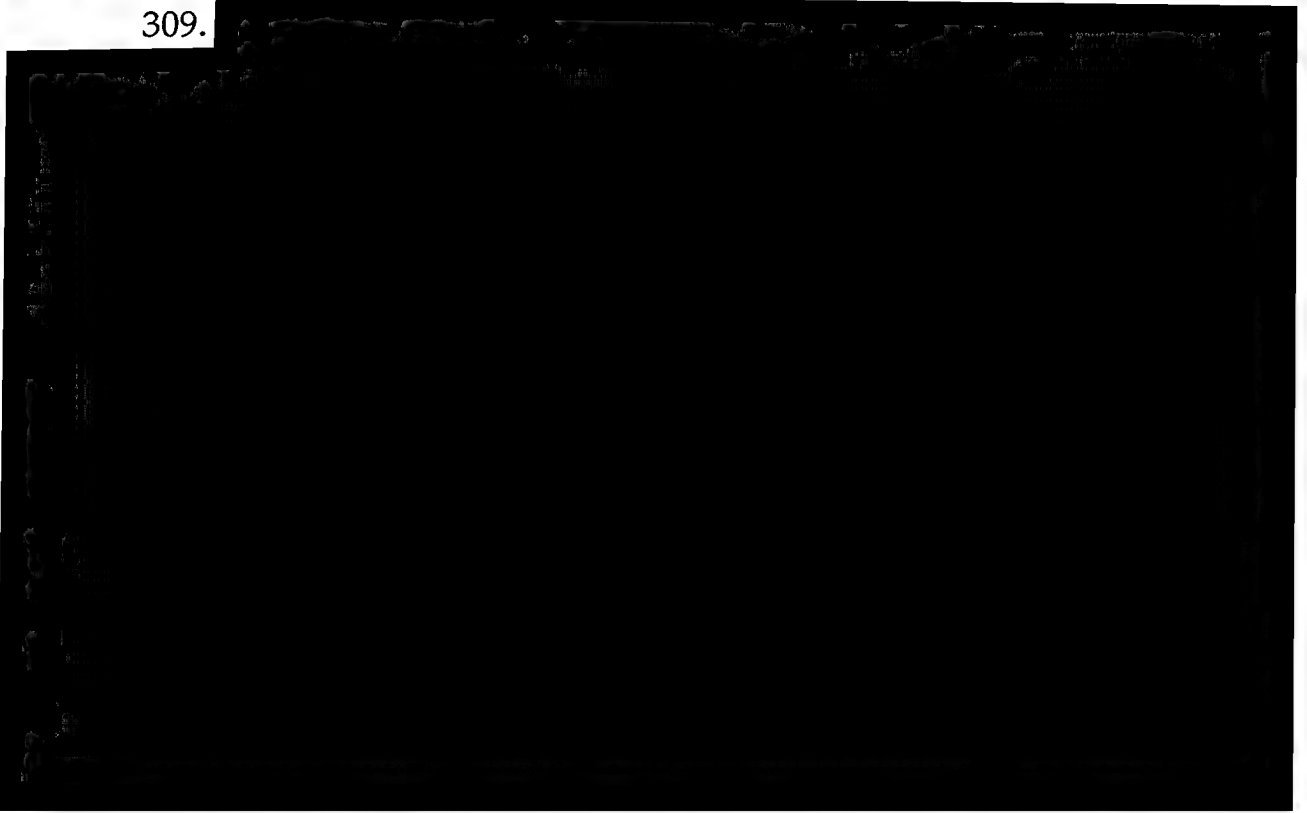


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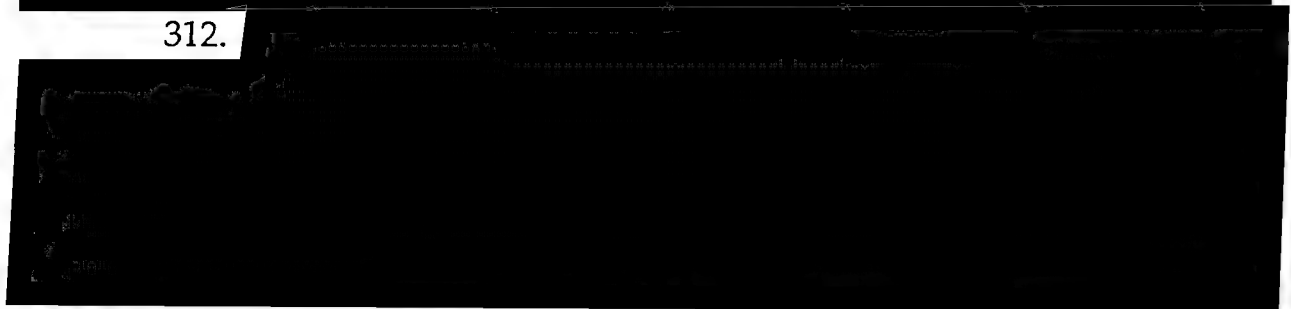
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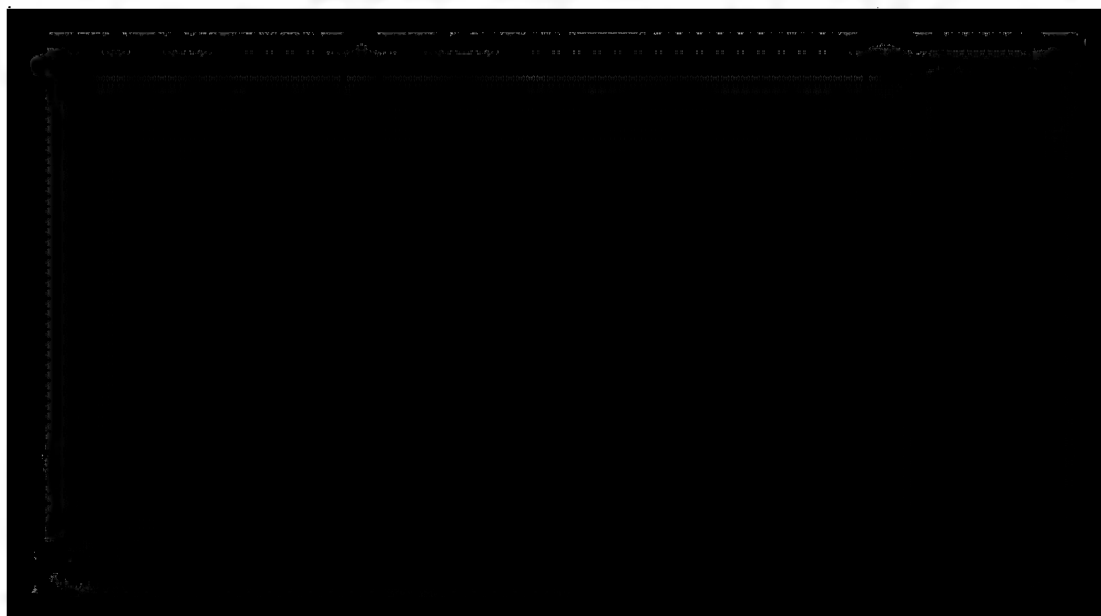
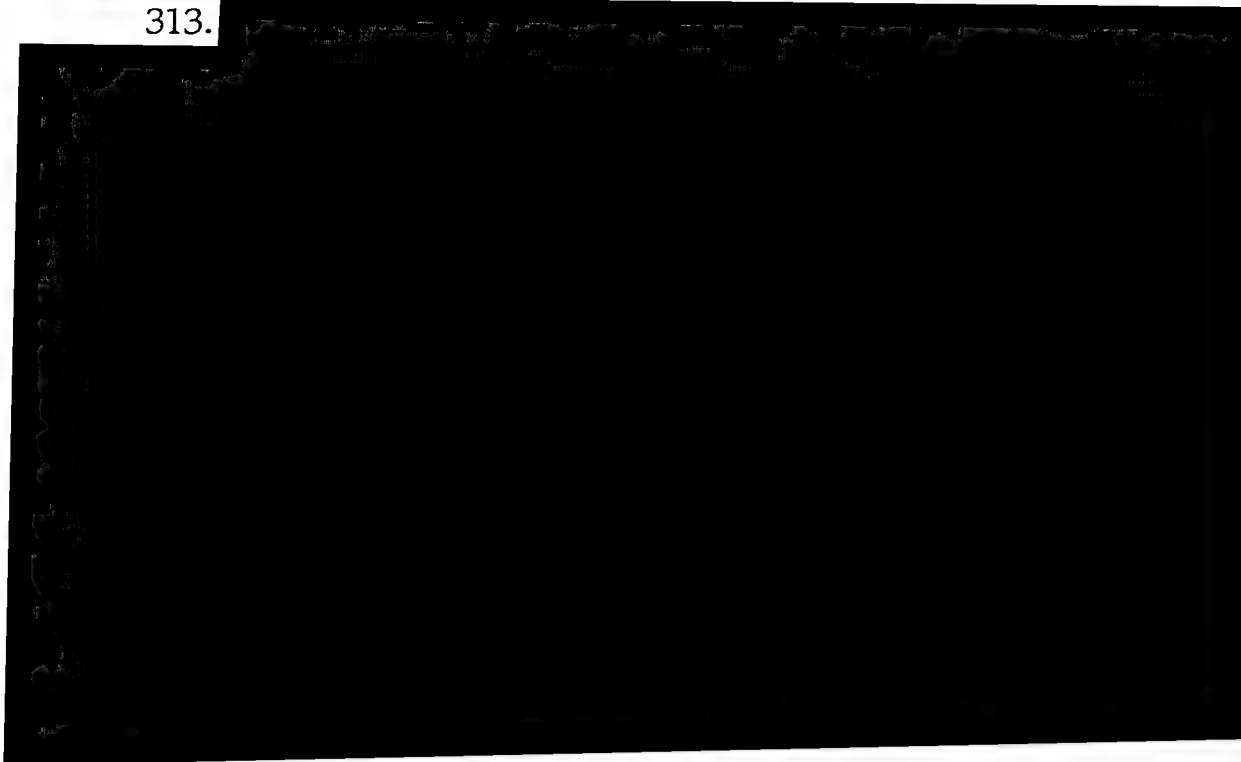


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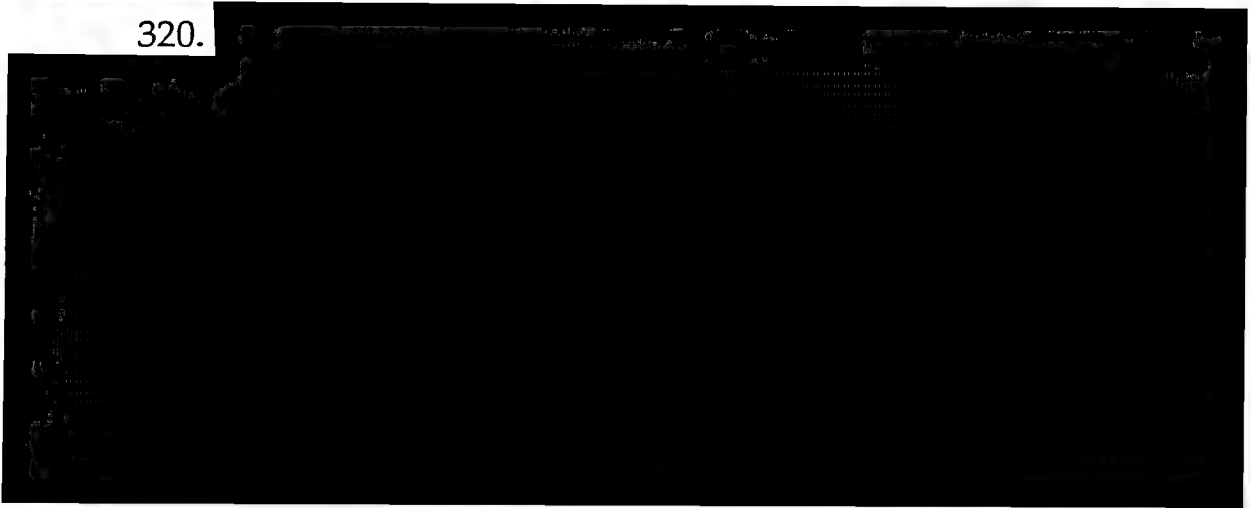
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321.



CONCLUSIONS

322. The conclusions set forth below are repeated in the volumes relating to Alpirez, DeVine, Bamaca, [REDACTED]

Agency Purposes in Guatemala

323. Agency programs in Guatemala during the period in question were conducted in furtherance of duly approved [REDACTED]

Programs that were duly authorized by the President, reviewed by the National Security Council and reviewed and funded by the Congress.

Alleged Complicity in Deaths of DeVine and Bamaca

324. No evidence has been found to indicate that any CIA employee had prior knowledge of, directed, participated in, or condoned the interrogation or killing of DeVine. No evidence has been found to indicate that any CIA employee had prior knowledge of, directed, participated in, or condoned the reported interrogation, torture, or killing of Bamaca.

325. The October 1991 report alleging that Alpirez, [REDACTED] [REDACTED] was present at DeVine's interrogation was seriously flawed and should have been reviewed more thoroughly at the Station and disseminated with appropriate caveats. Neither the Station nor Headquarters made a serious effort to verify the allegations contained

in the October 1991 report and Headquarters did not follow-up sufficiently on its initial efforts to have the Station do so.

326. Similarly, the January 1995 report alleging that Alpirez had killed Bamaca was also based on questionable information and should have been reviewed more thoroughly at the Station and disseminated with appropriate caveats. Neither the Station nor Headquarters made serious efforts to verify that report and Headquarters did not encourage the Station to do so.

Congressional Notification

327. The Agency should have notified the congressional intelligence oversight committees in October 1991 about the allegations that Alpirez had been present at an interrogation that resulted in the death of a U.S. citizen [REDACTED]

[REDACTED] The committees should have been briefed, especially in light of the prompt and serious actions the Agency took on the basis of that report, in reporting to DoJ and [REDACTED]

[REDACTED] LA Division officers intended to provide such notification to the committees, but neither those officers nor senior Agency managers ensured that this was done.

328. In February 1995, the oversight committees were expeditiously notified of the only report alleging that Alpirez had been responsible for the death of Bamaca. While notification was laudable, it should have been made clear that there were competing versions of what happened to Bamaca, and that the January 1995 report was sketchy, third-hand hearsay, and unconfirmed. Furthermore, when it had become clear in November 1994 that there was congressional interest in Bamaca's fate, formal notification of the April 1994 report that Alpirez had interviewed Bamaca [REDACTED]

[REDACTED] should have occurred.

329. [REDACTED]

[REDACTED]

[REDACTED]

330. The Agency provided [REDACTED] the oversight committees and participated during various committee hearings and briefings of committee staff [REDACTED]. [REDACTED] It should have been recognized that the failure to provide this information in connection with the discussion of the DeVine case [REDACTED] [REDACTED] would be viewed as misleading the committees. No evidence has been found to indicate that the failure to mention [REDACTED] in these reports, hearings and briefings was intended to mislead the committees. Neither has any evidence been found to indicate that the failures to notify the committees in 1994 of information indicating that Alpirez had interviewed Bamaca or [REDACTED] [REDACTED] were intended to mislead the committees.

Ambassadorial Notification

331. The Station did not keep the Ambassadors appropriately informed in certain instances. Concerns about source protection and possible threats to Agency equities in its liaison relationships appear to have been the causes of some of these failures.

332. Ambassador Stroock was not properly notified in August 1990 [REDACTED] when the Ambassador was provided information about the military's involvement and cover-up in the DeVine killing and was preparing to present a demarche.

333. Ambassador Stroock was not properly notified in October 1991 [REDACTED] when allegations were received that Alpirez was present at the interrogation of DeVine.

334. [REDACTED]

[REDACTED]

335. Ambassador McAfee was not properly notified in 1994, even after asking in October 1994 for a complete summary of CIA intelligence relating to Bamaca, that Alpirez had reportedly interviewed Bamaca after his capture in March 1992 [REDACTED]

[REDACTED]

336. [REDACTED]

[REDACTED]

[REDACTED]

337. [REDACTED]

[REDACTED]

[REDACTED]

Collection and Reporting Standards

338. Information provided by Agency assets was responsive to [REDACTED] and included significant reporting on human rights issues in Guatemala, including the DeVine killing, Bamaca's fate, and the reactions of [REDACTED] Guatemalan political and military officials to U.S. policy initiatives in this regard.

339. However, in certain instances, concerns about source protection or possible threats to Agency equities in its liaison relationships appear to have been the cause of failures to report information fully and promptly. [REDACTED]

340. Station reporting regarding human rights issues included some unsubstantiated reports from possibly biased sources about Alpirez [REDACTED], as well as the DeVine and Bamaca cases. The Station, LA Division and the DO should have made stronger efforts to validate the information and place it in the context of other reporting, analyze the biases and motivations of the sources, and ensure that consumers of the information were advised that there were significant questions about its validity and hearsay nature. It also appears that LA Division and the Station gave insufficient attention and consideration to the possibility that Station asset reporting on Bamaca's fate was based upon deliberately false information [REDACTED]

341. The Station and LA Division failed to meet Agency standards for [REDACTED] with particular reference to the assets who provided key information relating to Alpirez, DeVine, Bamaca, [REDACTED]

Relationship with Alpirez

342. At the time the CIA first encountered Alpirez in a liaison capacity in 1987 [REDACTED] Agency records apparently revealed no derogatory information or indication that he had engaged in human rights abuses [REDACTED]

343. The August 1990 information [REDACTED] formed a substantial part of what the U.S. Government knew about official Guatemalan involvement in DeVine's killing. It also served as part of the basis for at least one U.S. Government demarche to the Guatemalans and the partial suspension of U.S. military assistance to Guatemala.

344. [REDACTED]

345. [REDACTED]

346. [REDACTED]

347. [REDACTED]

348. [REDACTED]

349. [REDACTED]

Referral to Department of Justice

350. LA Division and OGC acted prudently in ensuring a prompt referral of the October 1991 allegations about Alpirez to DoJ. However, OGC should have probed more thoroughly to determine through a preliminary inquiry whether or not there [was] any basis to the allegations. In addition, having made the referral, OGC did not properly record or monitor the matter, or adequately respond to DoJ requests for further information.

Analytical Responsibilities

351. No factual basis has been identified for the DI [REDACTED] conclusion in an analysis presented to the NSC in January 1995 that Alpirez was at least "the intellectual author" of Bamaca's death. That analysis was also flawed because [REDACTED]

352. The DI [REDACTED] with primary responsibility was not made aware by DO officers of the April 1994 report that Alpirez [REDACTED] had interviewed Bamaca or that Alpirez [REDACTED] was reportedly present at the interrogation of DeVine. As a consequence, he was not able to include that information in briefings to senior State officials and HPSCI and SSCI staff members in November 1994 or in the [REDACTED] analytic reports that were disseminated to the Ambassador and NSC and State customers prior to January 1995.

353. Six reports have been found that allege that Alpirez had knowledge of or was involved in narcotics trafficking or other potentially unlawful activities. None of these reports establishes any

connection between narcotics trafficking and the DeVine murder, nor does any of them indicate that the murder had as its purpose coercion or intimidation of, or retaliation against, a government or civil population. Neither has other evidence been found to indicate that Agency employees were aware of such a connection or purpose. Thus, there is no support for the contention that Agency employees engaged in an obstruction of justice in connection with the November 1991 referral to the Department of Justice.

Dispersal or Destruction of Records

354. No evidence has been found to indicate that any Agency personnel dispersed or destroyed records to prevent them from being reviewed by investigators. It appears that this allegation may have had its source in an Agency effort to provide copies of selected documents to former DCIs in order that they might be able to respond knowledgeably to public inquiries relating to Guatemala.

DO Records System

355. Weaknesses in the DO records system led to a failure to retrieve relevant allegations regarding human rights abuses [REDACTED]

[REDACTED] These weaknesses continue to cause problems for the Agency.

A. R. Cinquegrana

RECOMMENDATIONS

1. **General.** The following areas have been identified in the course of this investigation as requiring the attention of Agency management and are addressed in this section:

- Congressional notification;
- Ambassadorial notification;
- Selection of Chiefs of Station;
- [REDACTED]
- Collection and reporting responsibilities;
- Human rights reporting;
- [REDACTED]
- Analytical functions; and
- DO records system.

2. The paragraphs that follow constitute the IG's best judgment as to what should be done in each area, but we recognize that a management review of the issues involved may develop different and better approaches to improving current practices and policies in each area. The most important message we are conveying is that the identified areas require management's attention and remedial action. Thus, these recommendations should be viewed as a framework for further deliberation and development of responsive reactions in each area, not as a prescriptive list of actions that should be taken as stated. However, we strongly believe that the Overview Volume, with Conclusions and all Recommendations except the individual accountability section, should be made available to Agency employees in order that they may be fully informed and apply the lessons of this investigation to their own situations.


3. **Congressional Notification.** This investigation has shown that in the DO there is a predisposition against sharing information with Congress despite repeated statements by the Agency's leadership that Congress needs information to perform its oversight role and has the right to such information. The DDO should work to replace this bias with a predisposition that favors sharing information.


4. The DCI should reaffirm that the Agency has an obligation to ensure that the Congress is kept fully and currently informed about Agency activities. The Director should make it clear that each Deputy Director and Head of Independent Office is responsible for determining, on a continuing basis, which matters within their areas of responsibility should be reported to the intelligence oversight committees of the Congress. Clear procedures should be established to ensure that such matters are reported.

5. Each Deputy Director and Head of Independent Office, in conjunction with the General Counsel and the Director of Congressional Affairs, should recommend criteria for the DCI's approval that are applicable to their areas of responsibility to govern which matters will be reported to the intelligence oversight committees.

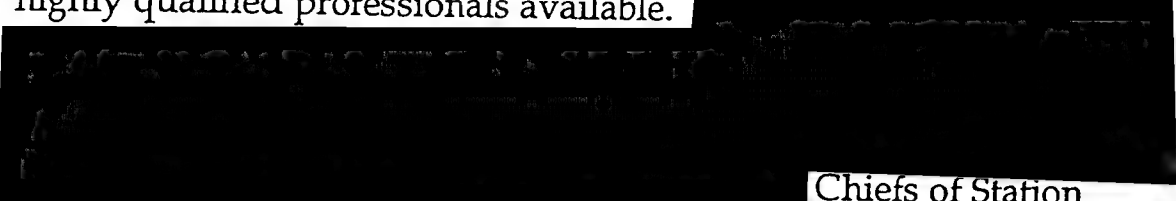
6. Each Deputy Director and Head of Independent Office should require their managers to review on a continuing basis which matters within their areas of responsibility meet the established criteria for reporting to the intelligence oversight committees. In addition, each Deputy Director and Head of Independent Office should conduct a formal quarterly review of their activities to determine which matters, within or in addition to the established criteria, should be reported to the intelligence oversight committees. As part of this process all employees should be given the opportunity to identify matters that should be considered for such reporting.

7. **Ambassadorial Notification.** The DCI should issue new guidance concerning Chief of Station (COS) responsibilities for keeping Ambassadors informed about Station programs and activities.







8. Selection of Chiefs of Station. The DDO should develop standards, subject to DCI concurrence, for the development, selection and retention of Chiefs of Station to ensure that they are the most highly qualified professionals available.



Chiefs of Station should not be selected for reasons other than professional competence.



9.



10.



11. **Collection and Reporting Responsibilities.** Both Headquarters and Stations are responsible for ensuring that the highest possible standards are maintained in CIA's collection and reporting efforts. [REDACTED]

12. **Human Rights Reporting.** The DDO should develop procedures to ensure that Stations meet established standards for reporting information relating to human rights abuses. [REDACTED]

13. [REDACTED]

14. [REDACTED]

15. **Analytical Functions.** DI analysts responsible for producing finished intelligence and conducting briefings of government policymakers should be given access to [REDACTED] that pertains to their areas of responsibility. The DDI should establish standards that ensure that DI analysts consider all relevant information so that inaccurate, misleading, or incomplete statements are not incorporated into DI intelligence products or briefings.

16. **DO Records System.** The DO should intensify its efforts to ensure that Headquarters and Station personnel are supported by a records and information management system that will provide thorough, dependable and timely access to all information of relevance to a particular individual or subject. [REDACTED]
[REDACTED]
[REDACTED]

17. **Accountability.** This investigation has established that there is no basis for several of the most significant allegations that have been made against the Agency and its employees relating to its activities in Guatemala. Unfortunately, the investigative and political furor that was launched with these allegations and that has consumed much of the U.S. Government's valuable time and energy for the past several months could have been avoided or reduced if Agency employees had performed more capably in reporting the events in question.

18. A review of Agency activities relating to the Alpirez, DeVine, Bamaca, [REDACTED] matters reveals a general failure to adhere to the professional standards in collecting, reporting and analysis that the Agency expects from its personnel. The causes of this are puzzling. It may be that closer scrutiny or higher standards are now being imposed on the workforce. There are many possible explanations which we will not venture here.

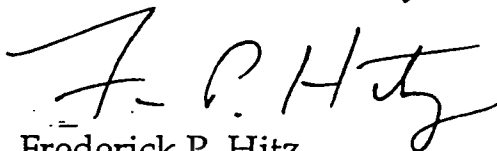
19. Whatever the reason, from recruitment to reporting; from corroboration to processing; from validation to analysis; from

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congressional notification to crimes referral, the facts demonstrate performance that is not as professional or competent or sound in its judgments as the Agency and the U.S. Government have a right to expect. It is not that anyone engaged in intentional wrongdoing, but that so many errors were committed along the way. Agency management also must be faulted for the failures of Agency personnel that are identified in this Report of Investigation.

20. Many officers contributed to the problems and shortcomings described in this Report, but certain officers had special responsibilities and played significant roles that separate them from the rest. Although there is no evidence to indicate that they were involved in the specific events under review here, the level of professionalism that prevailed in the Agency must ultimately be laid at the feet of the most senior Agency managers, DCIs and DDCIs during this period. In addition, the names of individual officers who should be held responsible for specific deficiencies have been provided to the Director for his consideration and action.

CONCUR:



Frederick P. Hitz
Inspector General

15 July 95

Date

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*Central Intelligence Agency
Inspector General*

REPORT OF INVESTIGATION



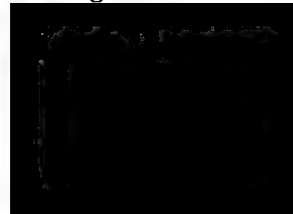
GUATEMALA: VOLUME IV
MICHAEL DEVINE
(95-0024-IG)

July 15, 1995

*Frederick P. Hitz
Inspector General*

*A. R. Cinquegrana
Deputy Inspector General
for Investigations*

Investigators:



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DATE: DEC 2001

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OFFICE OF INSPECTOR GENERAL
INVESTIGATIONS STAFF

REPORT OF INVESTIGATION

GUATEMALA: VOLUME IV
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(95-0024-IG)

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INTRODUCTION

1. In a March 22, 1995 letter to President Clinton that was simultaneously released to the *New York Times*, Representative Robert Torricelli (D-N.J.) alleged that the Central Intelligence Agency (CIA) was involved in the "murders in Guatemala in the early 1990's" of U.S. citizen Michael DeVine and Guatemalan insurgent Efraim Bamaca Velasquez. He further alleged that these two individuals "were murdered under the direction of Colonel Julio Roberto Alpirez, a Guatemalan intelligence officer [who] was under a contract with the CIA and remained on its payroll at the time of the murders."

2. On March 30, 1995, the President directed the Intelligence Oversight Board (IOB) to conduct a government-wide review of all allegations surrounding the DeVine killing and the disappearance of Bamaca as well as any related matters. Shortly before this, an investigation that had been initiated by the CIA's Inspector General in January 1995 at the request of then-Acting Director of Central Intelligence Admiral William Studeman regarding the relationship between the CIA and Colonel Alpirez was broadened to include

~~SECRET~~

questions regarding the Bamaca and DeVine cases that were raised by the Senate Select Committee on Intelligence (SSCI) and the IOB, as well as other issues that were raised during the public debate that followed Representative Torricelli's allegations.

3. This Report concerns the DeVine killing, the information that the Agency received after his killing and whether or not that information was handled properly. It deals, among other things, with questions regarding what information was available to CIA on DeVine and when; whether the Agency met its responsibility for the collection and dissemination of intelligence pertaining to DeVine; what information CIA had linking Alpirez to DeVine; whether there is any evidence that CIA employees or assets were directly or indirectly involved in DeVine's killing; and, whether information regarding DeVine's killing was properly shared with congressional intelligence oversight committees.

BACKGROUND

4. No Agency record has been found concerning Michael DeVine, a U.S. citizen who lived and died in Guatemala, prior to his death in June 1990. According to media and Embassy reporting, DeVine was born in Kansas, raised in Illinois and served in the U.S. Navy. His wife, Carole, was born and raised in California. In the late 1960's, the DeVines traveled through Mexico and eventually reached Guatemala. Circa 1971, they purchased land in The Peten, about three kilometers south of the town of Poptun. Embassy reports describe Poptun as a town of 8,000 inhabitants, an eight to ten hour drive from Guatemala City and three hours from Flores, the provincial capital. According to an Embassy report;

Poptun has been likened to Dodge City in its lawlessness and Wild West ways. Although there are three national policemen assigned there, they have no telephone, no vehicle and no money for taxis or other expenditures. Scores are settled directly, if at all. Three or four murders a week are not uncommon; virtually all go unresolved. At any sign of military involvement, the national policemen disappear or become even more ineffective than usual.

5. The DeVines developed the land they had purchased into a large farm and wilderness area called Ixobel Farm. There they operated a hotel, accommodating as many as 60-80 guests at night and drawing a clientele of adventurers and backpackers. They also operated the La Fonda restaurant in Poptun. The DeVines were apparently well regarded in the community and Michael DeVine's funeral was reportedly the largest public event in Poptun in memory.

6. DeVine's killing, the involvement of Guatemalan military personnel in his killing and the manner in which the Guatemalan Government handled the investigation of DeVine's killing, have had a significant impact on U.S./Guatemalan relations. In December 1990, Foreign Military Funds (FMF) military assistance to Guatemala was suspended, largely because of the DeVine case. The U.S. Government has made its displeasure known to the Guatemalan Government since then at virtually every opportunity.

7. On March 22, 1995, Congressman Robert Torricelli alleged in a letter to President Clinton that was simultaneously released to the *New York Times* that the Central Intelligence Agency (CIA) was involved in the "murders in Guatemala in the early 1990s" of DeVine and Guatemalan insurgent Efraim Bamaca Velasquez. He further alleged that these two individuals "were murdered under the direction of Colonel Julio Roberto Alpirez, a Guatemalan intelligence officer [who] was under a contract with the CIA and remained on its payroll at the time of the murders." On March 30, 1995, the President directed the Intelligence Oversight Board (IOB) to conduct a government-wide review of all allegations surrounding the DeVine killing and the disappearance of Bamaca, as well as any related matters. Shortly before this, the CIA Inspector General (IG) broadened an investigation into the CIA's relationship with Alpirez, initiated on January 27, 1995 at the request of the Acting Director of Central Intelligence, to include the broad allegations raised by Congressman Torricelli and others.

8. In Addition, a May 5, 1995 letter to the CIA IG from Congressman Torricelli reported that a former DEA employee had advised him that the CIA had information indicating that the DeVine killing was "politically motivated" in that DeVine had "discovered a drug

operation run by Col. . . Alpirez . . .;" that Alpirez had DeVine killed to keep this discovery secret; and that the CIA had not shared this information with the Justice Department when the Department was reviewing the reported role of Alpirez in the DeVine killing, thus obstructing justice. These allegations were also included in the CIA IG's investigation.

9. This Report describes the findings of that investigation. Because of the manifold other allegations and issues that have arisen regarding CIA activities in Guatemala, it is included as Volume IV in a six volume collection of reports relating to these allegations.

PROCEDURES AND RESOURCES

10. On January 27, 1995 ADCI Studeman asked the IG to investigate CIA's relationship with Alpirez and two investigators were assigned to that task. However, as a result of additional questions raised by the SSCI, Congressman Torricelli and the IOB, the investigation was expanded. By early April, the investigative team had grown to 17 investigators and several research assistants and secretaries. A core group of five investigators was assigned to the DeVine investigation. An April 3, 1995 tasking memorandum from the IG to the Deputy Director for Administration, Deputy Director of Intelligence (DDI), Deputy Director for Operations (DDO), Deputy Director for Science & Technology, General Counsel, Director of Congressional Affairs, Director of Public Affairs, and the Executive Secretariat requested that all information in the possession of those components that related to the relationship between the Agency and Alpirez, DeVine and Bamaca be made available to the OIG. In late May, a further request was made to the DO and DI for any relevant documents produced after the responses to the April 3 request. Several thousand documents relevant to DeVine were reviewed as were the results of over 200 interviews. A more detailed description of the procedures and resources required for the entire Guatemala-related investigation is included in the overview, Volume I.

QUESTIONS PRESENTED

11. The following questions are addressed in this Volume:

- ◆ What information was available to the CIA before the end of January 1995 concerning DeVine's killing? When did it become available and how was that information handled? How reliable were the Agency sources from whom the information was acquired?
- ◆ What information was available to the CIA between February 1995 and May 18, 1995 concerning DeVine's killing? When did it become available and how was it handled? How reliable were the Agency sources from whom the information was acquired?
- ◆ What do CIA personnel and others recall regarding the reporting concerning DeVine's killing?
- ◆ Did the CIA meet its responsibility for collection of information pertaining to the DeVine killing? Was any of this information improperly suppressed?
- ◆ Is there any evidence that CIA employees or agents were directly or indirectly involved in DeVine's killing?
- ◆ Was information regarding DeVine's killing properly shared by CIA with the Intelligence Oversight Committees? Did the CIA meet its responsibility for Congressional notification in the DeVine killing?
- ◆ Was information regarding DeVine's killing properly shared with Ambassadors and other appropriate Embassy officials? Did CIA meet its responsibility for notification in the DeVine killing?

- ♦ Why did the Agency not provide information regarding the DeVine killing to the DeVine family?

FINDINGS

WHAT INFORMATION WAS AVAILABLE TO THE CIA BEFORE THE END OF JANUARY 1995 CONCERNING DEVINE'S KILLING? WHEN DID IT BECOME AVAILABLE AND HOW WAS THAT INFORMATION HANDLED? HOW RELIABLE WERE THE AGENCY SOURCES FROM WHOM THE INFORMATION WAS ACQUIRED?

12. The earliest mention of DeVine's killing that has been found in Agency files appears in a June 11, 1990 U.S. military Southern Command (SOUTHCOM) daily intelligence summary that reported:

GT - On June 10, the body of U.S. businessman Michael DeVine was found in Poptun. DeVine had been decapitated; his body showed signs of torture. He was the owner of a small restaurant and also worked as a tour guide. DeVine was kidnapped on 1 [sic] June by unidentified men. The incident may have been criminally motivated; however, both the rebel armed forces and narcotraffickers operate in the area. There have been no claims of responsibility.

The next reference to the killing in Agency files appears in a June 18, 1990 State Department press guidance message reporting that DeVine's body was found near his vehicle on June 9, 1990 at the side of the highway near an area called La Montana Rusa, between Poptun and Guatemala City. According to that message, the Guatemalan death certificate cited knife wounds as the cause of death.

13. The U.S. Embassy in Guatemala City initiated an investigation into DeVine's killing. This investigation was led by the Consul General (CG), a State Department officer with responsibility for U.S. citizen services in Guatemala. During the investigation, the Embassy's Defense Attaché (DATT), who represents the Department of Defense in Guatemala, participated in many of the CG's meetings with the DeVine family's lawyer, and interacted with the Guatemalan military concerning the matter. The Embassy Human Rights Officer, another State Department officer, was also involved. U.S. Ambassador Thomas

Stroock, the Deputy Chief of Mission (DCM), and the Political Counselor made official demarches and led the effort to apply pressure on the Guatemalan Government.

14. The record reflects that the Agency's Chief of Station (COS) [REDACTED] in Guatemala City, and other Station personnel, supported the investigation by seeking information from Agency sources about DeVine's killing, Guatemalan Government efforts to resolve the matter and Guatemalan officials' reactions to the Embassy pressure. The record also reflects that, through its relationships with the intelligence services of the Guatemalan Government, known as "liaison relationships," the Station also conveyed the message that the U.S. Government placed major importance on identifying and punishing those who were responsible for DeVine's killing.

15. August 1990 Embassy Reports. An August 10, 1990 Embassy report concerning the investigation suggested that the Guatemalan military may have been involved in DeVine's killing and was covering up its involvement. That report also provided several versions of possible motives. According to that report, [REDACTED] had been hired by Mrs. DeVine and, along with the DeVine family's lawyer, was the source of much of the information available to the Embassy. [REDACTED] was described as a tenacious investigator who worked very closely with Embassy officials, sharing information and providing them with copies of his reports. As of August 10, [REDACTED] reportedly had made five trips to Poptun or Flores in connection with his investigation.

16. [REDACTED] developed significant evidence implicating several men in a white Toyota pickup truck in DeVine's death. He also was able to connect the truck to the Guatemalan military, specifically to the Kaibil Base in Poptun and to the Military Zone 23 (MZ-23) Headquarters base at Santa Elena in Flores. He located several individuals who claimed to have seen the truck and its occupants waiting by the entrance to DeVine's farm when DeVine drove in at about 3:00 p.m. on Friday, June 8. They reportedly saw DeVine's van and the truck depart the farm together a few minutes later. At about 6:00 p.m. on June 8, at least two individuals reported seeing the two vehicles parked together at the site

where DeVine's van was found at 6:00 a.m. the next morning, Saturday, June 9. DeVine's body was found on the ground beside the van. He had apparently been beaten. His face was badly bruised and he had been nearly decapitated, apparently by someone standing behind him while he knelt. According to [REDACTED] report, all of the physical and forensic evidence pointed to the probability that DeVine was murdered at the place where his body was found, and the official cause of death was partial decapitation and the near total loss of blood (hipovolemic shock).

17. A tax form featuring the name of an individual, and food rations said to be of the type used by the Guatemalan Army, were found at the spot by the entrance to DeVine's farm where the pickup truck had reportedly been seen waiting on June 8. [REDACTED] succeeded in locating the man named on the tax form and another man, both of whom had been described by individuals who had seen the men in the pickup truck, in Flores. According to [REDACTED] both men were reported to have some unspecified relationship with S-2¹.

18. By August 10, according to the Embassy report, [REDACTED] had compiled a list of nine names of individuals who allegedly had some involvement in DeVine's killing. Four of the men had some affiliation with S-2 according to [REDACTED] also had been told that the white truck had been repainted at the Santa Elena military base after DeVine's killing, and that it was now red with a black stripe on the side. The white pickup truck had been seen entering and leaving the Poptun Base many times prior to June 8-9, 1990 but was never seen there again.

19. According to the Embassy report, employees on DeVine's farm stated that DeVine had been depressed for about two weeks prior to his killing and had referred vaguely to threats and commented that he might not be around much longer. DeVine's mother had died recently and had left him a substantial estate but it was unclear whether anyone in the local community knew of his financial gain. Carole DeVine had returned only the day before DeVine's killing from two weeks away from Poptun,

¹ S-2 is the designation given to base or local level intelligence offices. The S-2 is subordinate to the base or local commander and provides information to the Directorate of Intelligence (D-2) of the Guatemalan National Defense Staff as well. See charts depicting structure of Guatemalan military and D-2.

and was unaware of any such depression or concern about threats on DeVine's part.

20. The initial Guatemalan police report concluded that the motive for the killing was robbery, despite the fact that DeVine's van and its contents were found with the body and only DeVine's pocket knife and watch were missing. According to Embassy reports, other conjecture at the time suggested some drug connection or some effort to drive him off his land. There also was a report that a young girl had remarked some eight hours before DeVine's abduction that DeVine was going to be killed because he had kidnapped a child and sold it for one million dollars. This allegation was not substantiated by any report of a missing child in the area, and was discredited by [redacted] investigation.

21. Embassy reporting documents the pressure that was applied to the Government of Guatemala regarding the DeVine killing. Beginning on June 13, 1990 the U.S. Ambassador asked Guatemalan Minister of Defense (MOD) Bolanos for his assistance in investigating the killing. Thereafter, the Ambassador, DCM, other Embassy officers, and [redacted] were in frequent contact with the MOD; Colonel Cesar Cabrera, Chief of Guatemalan Military Intelligence (D-2); General Marroquin, Guatemalan Army Chief of Staff (COS); and others. However, the results were conflicting and unsatisfactory responses regarding the course of the Guatemalan Government's investigation.

22. Much of the information collected by [redacted] was shared with Guatemalan officials. At a July 19, 1990 meeting between an Embassy officer and Colonel Cabrera, Mrs. DeVine and her lawyer, Mrs. DeVine stated that the pickup truck had been seen entering the Poptun Base at 6:00 a.m. on June 9. No other reporting has been found that ties the truck to the Poptun Base later than June 8. Throughout these meetings with Embassy officials, the Guatemalans maintained they were unable to identify or locate the pickup truck in question.

23. In a meeting with [redacted] and an Embassy officer on August 3, General Marroquin stated that a warrant had been issued for the arrest of Jose Vicente Cornelio, an individual DeVine had shot and wounded after catching him stealing chickens in 1985. Separate Embassy

reporting indicated that DeVine had paid the man's medical expenses, had given him money for the period when he was unable to work, and that there was no apparent residual animosity between the two.

24. The August 10, 1990 Embassy report concerning the Embassy's investigation of the DeVine killing stated that:

This case gives the [Guatemalan Government] an opportunity to show that it has the resolve to carry out an effective investigation and bring the perpetrators, whoever they may be, to justice. We are seriously disturbed that thus far the military's responses have not indicated anything like the level of attention and/or energy we would like to see. Mrs. DeVine and [REDACTED] believe that this indicates the military is trying to cover up the involvement of some of its personnel in DeVine's murder. That judgment may be premature Our hope is that the guilty parties will be apprehended and brought to trial. If this does not happen, and if it appears that the military has failed to take what appear to be relatively easy and logical steps, we may have to conclude that the military wishes to conceal what really happened. In that event, it would call into serious question whether we should continue to have any security assistance relationship with the Guatemalan armed forces. Also, in that event, we may decide that the U.S. Government should file its own complaint with the Guatemalan Human Rights Ombudsman's office.

25. August [REDACTED] 1990 Intelligence Report. The first Station correspondence that has been found concerning the DeVine killing was generated on August [REDACTED] 1990. [REDACTED]

[REDACTED] on June 8, five men from the S-2 office in Santa Elena Military Zone 23 (MZ-23) Headquarters had arrived [REDACTED]

[REDACTED] in a white Toyota pickup truck. The men met with the officer who [REDACTED] they had been sent by the MZ-23 S-2 to "controlar," i.e., "to surveil," DeVine. [REDACTED]

[REDACTED] strange that an officer was not in charge of the five man detail.

26. [REDACTED]

[REDACTED] The next day, June 9, DeVine was found dead. [REDACTED] there were witnesses to DeVine's killing and that the men from MZ-23 had fired on some of the witnesses. [REDACTED] an investigation had been ordered by [REDACTED] and carried out by [REDACTED] the Deputy D-2².

27. [REDACTED] a genuine investigation had been ordered. [REDACTED] a cover-up began when the truth, i.e., military involvement, was learned. [REDACTED] there was no written report of the investigation, [REDACTED]

[REDACTED] a scapegoat had been located, an individual with whom DeVine had exchanged gunfire several years earlier. [REDACTED] the pickup truck probably had been destroyed to get rid of the evidence.

28. [REDACTED]

The

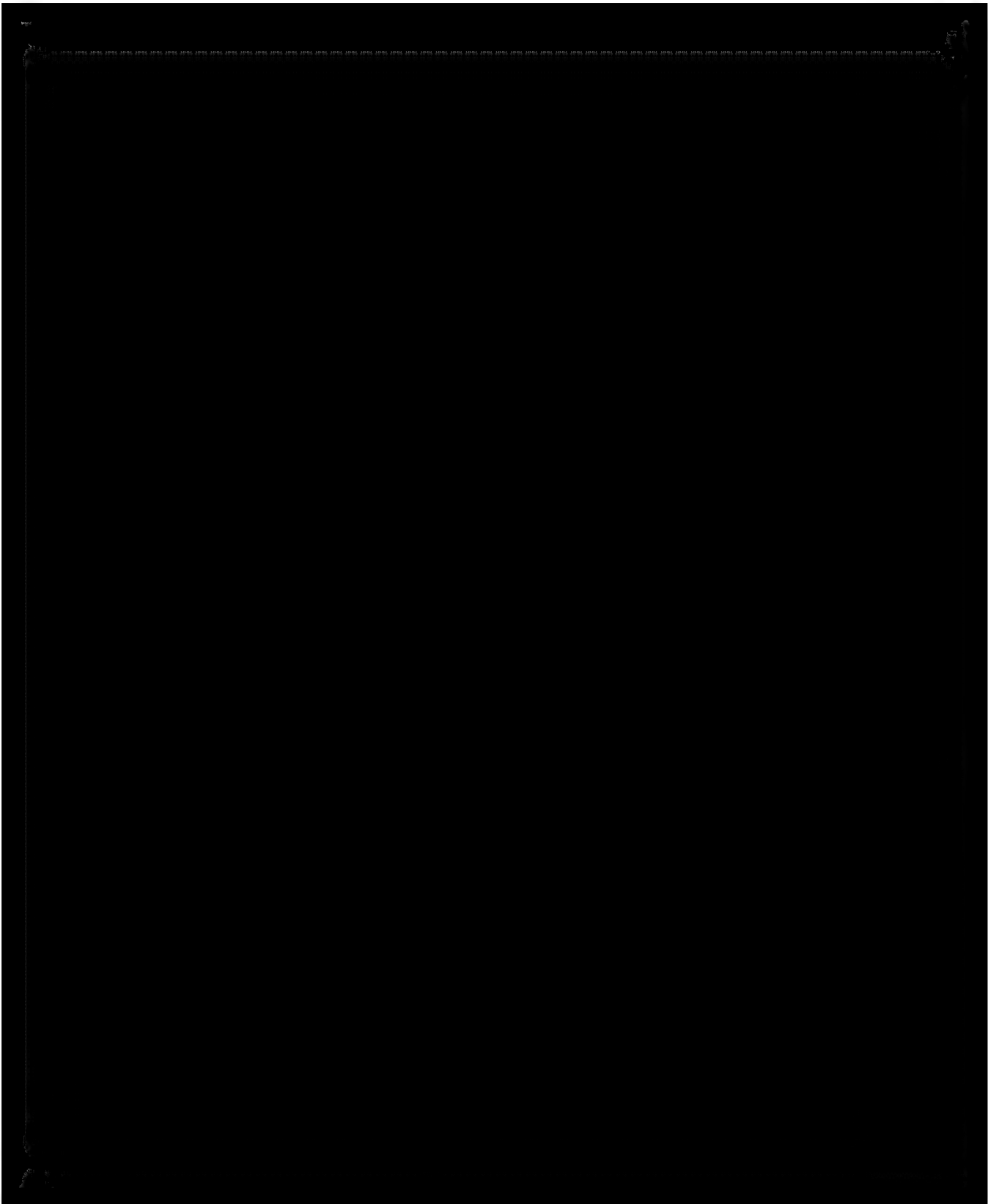
² D-2, the Directorate of Intelligence of the Guatemalan National Defense Staff, is the national intelligence organization of Guatemala. The officer designated "the D-2" has offices in the Presidential Palace. See charts depicting structure of Guatemalan military and D-2.

information [REDACTED] was the first to name the MZ-23 Commander [REDACTED] as responsible for setting in motion the events that led to Devine's killing, and also the first to indicate that a military cover-up was under way. In the August [REDACTED] 1990 [REDACTED] cable to Headquarters, [REDACTED] proposed ways Ambassador Stroock could use the information [REDACTED] to apply pressure on the Guatemalans, but also proposed to delay briefing Stroock on the information in order to give some measure of protection to [REDACTED]

29. On August [REDACTED] 1990, Headquarters responded, rejecting the COS's proposal and instructing [REDACTED] to brief Stroock immediately on the information in view of the high level interest in the DeVine case. Headquarters also directed that the information [REDACTED] be resubmitted in "intelligence format" and marked for possible "memorandum dissemination." The Headquarters response also expressed a desire to provide the information to the Assistant Secretary of State for Latin America, Bernard Aronson, as quickly as possible.

30. The Station resubmitted the information in "intelligence format" by [REDACTED] cable [REDACTED] August [REDACTED]

[REDACTED] The cable also indicated that the only Embassy officer in Guatemala who had been briefed was Ambassador Stroock.



31. On August [REDACTED] the Station advised Headquarters that Ambassador Stroock had requested that the information [REDACTED] be passed personally to Deputy Assistant Secretary of State for Latin America (DAS) Joseph Sullivan because Assistant Secretary Aronson was on vacation. The Station cable stated that Stroock did not wish the cable to be left with anyone other than Sullivan at the State Department, that the Embassy had been in contact with Sullivan, and that Sullivan was expecting the information.

32. On August [REDACTED] 1990 again by Immediate cable to Headquarters, the Station asked that the information [REDACTED] be handcarried to Sullivan immediately, stating that, as of 1:00 p.m. Washington time, Sullivan had not seen it. The Station cable stated further that the DCM, Philip Taylor, had again asked the Station to ensure that this be done, and that the Embassy was planning to take action with the Guatemalan Government based on the information. Ambassador Stroock planned to make a personal demarche to President Cerezo on August 24 that the U.S. Government knew who had killed DeVine, knew about the military cover-up, and asking that the Guatemalans see that the culprits were brought to justice. The State Department was described in the cable as aware of the planned action, but not in possession of the intelligence report upon which the action was to be based.

33. Four hours before this Station cable was sent, before noon Guatemala City time on August [REDACTED] the Embassy had sent an Immediate telegram to DAS Sullivan in Washington, reciting information [REDACTED] and explaining Stroock's plan to discuss the matter with President Cerezo on August 24. That telegram began with the words, "As you know, we have information that American citizen Michael DeVine was murdered on June 8 by a team of Guatemalan Army enlisted personnel."

34. Agency Headquarters converted the intelligence report received from the Station on August [REDACTED] into a memorandum dissemination [REDACTED] dated August [REDACTED] It was disseminated that same day to:

Assistant to the President for National Security Affairs;
Assistant Secretary of State for Inter-American Affairs;
Assistant Secretary of State for Intelligence and Research;
Director, Defense Intelligence Agency;
Assistant Director, Intelligence Division, FBI; and
Manager, Justice Command Center.

35. An August [REDACTED] Immediate cable from Headquarters informed the Station of the text of the memorandum dissemination, and indicated that a copy had been handcarried to DAS Sullivan at 6:00 p.m. Washington time, on August 23. The Headquarters cable also stated:



36. August 1990 Embassy and Station Reports. Ambassador Stroock met with Cerezo on August 24. Cerezo told Stroock he was concerned about DeVine's killing, that he was aware Stroock had requested assistance from MOD Bolanos in investigating the crime, and that the military was not conducting the investigation well. Cerezo also attributed the problem to MZ-23 Commander Garcia Catalan who Cerezo said had caused serious problems in at least three previous assignments. Stroock told Cerezo he was not yet prepared to discuss the DeVine killing. They agreed to meet again on August 28.

37. State Department messages retrieved from Agency records reflect a flurry of telegrams in preparation for the planned demarche to President Cerezo. State provided talking points for the demarche in an August 26 telegram.

38. [REDACTED]

39. The Station's reply, on the same day, [REDACTED] and that Cerezo had promised a response to the demarche in 48 hours. Copies of Embassy reporting at the time in Agency files indicate that, during the August 28 meeting with Stroock and the DCM, Cerezo had mentioned three potential motives for DeVine's killing--robbery; drug trafficking; or that DeVine had bought a Galil rifle and was trying to buy another.

40. August [REDACTED], 1990 Intelligence Report. [REDACTED]

[REDACTED] President Cerezo was angry after his August 28 meeting with Ambassador Stroock and that he had expressed his displeasure to MOD Bolanos and ordered Bolanos to take all proper action and initiate a proper investigation immediately. [REDACTED] Garcia Catalan would be relieved as MZ-23 Commander on August 31 or September 15. Garcia Catalan, [REDACTED] was already in serious trouble with Army COS Marroquin for his involvement in the illegal sale of wood from the Peten forests. [REDACTED]

[REDACTED] President Cerezo was taking the matter seriously and his orders probably would be carried out. [REDACTED] rumors that DeVine was involved in some way with Guatemalan guerrillas were apparently unfounded and may have been originated as part of the military cover-up.

41. [REDACTED]

42. [REDACTED]

43. September 5, 1990 [REDACTED] and Embassy Reports. On September 5, [REDACTED] message reported a number of key personnel changes in the Guatemalan Army, including the retirement of COS Marroquin and the removal of Garcia Catalan as MZ-23 Commander. The [REDACTED] the DeVine killing may have influenced the timing since such changes normally would not occur until October 1. Also on September 5, an Embassy Country Team message reported that it appeared the Guatemalan Government was not prepared to take satisfactory action on the DeVine case. Although Garcia Catalan had been removed as MZ-23 Commander, it was judged that including his removal among many other changes served to conceal, rather than illuminate, its relationship to DeVine's killing. Further, the Embassy report continued, this was only one of the three key actions President Cerezo had promised Ambassador Stroock would happen quickly.

44. [REDACTED]

[REDACTED]

45. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

46. September [REDACTED] 1990 Intelligence Report.

[REDACTED]

[REDACTED] about the removal of MZ-23 Commander Garcia Catalan [REDACTED] Garcia Catalan was removed due to his slow and ineffective handling of the DeVine investigation in the face of persistent requests for information to the MOD and President by Ambassador Stroock. [REDACTED]

[REDACTED]

47. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

48. September 1990 [REDACTED] and Embassy Reports. On September 10, 1990, the [REDACTED] disseminated information [REDACTED] who claimed DeVine had been killed by four or five soldiers from Santa Elena, the MZ-23 headquarters base at Flores. [REDACTED] the G-2³ section in MZ-23 had determined that DeVine had been providing support to Rebel Armed Forces (FAR) insurgents in the Poptun area, that the murder had not been officially ordered, and that the truth had been discovered only after the investigation was started. The Guatemalan Army command then determined to hide the facts. Those directly involved in the murder would be killed, while those who had been in charge would be transferred. [REDACTED] said that former Army COS Marroquin had urged MOD Bolanos to conduct a formal court martial but this had been rejected. [REDACTED] comments included with the report suggested that protection of the

³ G-2 is the designation of the regional military command offices of the D-2, the national intelligence organization of Guatemala. G-2 officers are under the command of their respective military zone or base commanders but also report directly to the D-2 in Guatemala City. See charts depicting structure of Guatemalan military and D-2.

Guatemalan military institution would be high on the list of possible motivations for such actions, and that elements in the Guatemalan military were capable of such actions.

49. On September 19, 1990, [REDACTED] reported [REDACTED] that President Cerezo and the military high command intended to placate the Embassy as much as possible on the DeVine case, but did not really expect to bring the case to any particular conclusion. [REDACTED]

[REDACTED]

50. [REDACTED]

[REDACTED]

51. Over the next few weeks, Embassy and [REDACTED] reporting suggested that the DeVine case was moving forward, reported arrest warrants had been issued for eight Guatemalans, several of whom were members of the military, and expressed the Ambassador's hope that the Guatemalans' attitude regarding the case was improving. On September 29, [REDACTED] reported [REDACTED] had vowed complete cooperation in the DeVine case and had stated that six of seven

suspects in the killing were active duty military personnel. [REDACTED]

52. October 1990 Intelligence Report. [REDACTED]

[REDACTED] the Guatemalan Army General Staff had ordered new restrictions on visits by foreign nationals to military bases and other sites controlled by the military. The restrictions were said to be aimed specifically at U.S. Embassy officials and were implemented because the General Staff viewed visits by foreign diplomats, military attachés in particular, as attempts to obtain information about alleged human rights violations by the Guatemalan Army. [REDACTED] that the immediate cause of the new restrictions was alleged pressure from the U.S. Embassy concerning the DeVine killing. According to the report,

The General Staff believes that the U.S. wants to convert the case into one similar to that of the killing of six Jesuit priests in El Salvador in 1989. [REDACTED] U.S. Embassy officials had "celebrated" the fact that they had located an alleged witness to the killing of [DeVine]. The witness is a non-commissioned officer in the Guatemalan Army who, according to the General Staff, has been offered money and a residence in the U.S. for himself and his family in return for his testimony.

53. [REDACTED]

54. [REDACTED]

55. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

56. October ■ 1990 Station Report.

[REDACTED]

five military suspects were under arrest in MZ-23, another was still being sought, and that no one with the name that remained on the list of those accused could be found.

Garcia Catalan had not been involved in the killing but that his main infraction had been in not reporting the crime.

[REDACTED]

[REDACTED]

~~SECRET~~

[REDACTED] that the men had not been ordered to kill, but only to surveil, DeVine. This surveillance was based on the belief that DeVine had possession of one or two Galil rifles that had disappeared from MZ-23. [REDACTED]

[REDACTED] that the surveillants became involved in an altercation with DeVine and went too far.

57. [REDACTED]

[REDACTED]

58. October 1990 [REDACTED] and Embassy Reports. On October 4, the Embassy reported that [REDACTED] had advised that [REDACTED] "knew" from unspecified sources that the DeVine killing had been ordered by then-Peten military zone commander Garcia Catalan and had been condoned by the Chief of D-2, Colonel Cabrera. On October 10, Embassy reporting indicated that the DeVine case had been turned over to a military court.

59. The [REDACTED] reported on October 12, 1990, [REDACTED] that several soldiers had been charged with DeVine's killing as a result of pressure from the U.S. Embassy, but that those charged were believed to be not guilty of the crime. [REDACTED] the Assistant G-2 of MZ-23, 2nd Captain Santos Bonr Avendano, had been in charge of the operation and another officer may also have been involved. [REDACTED] DeVine may have been involved in providing logistical support to the insurgents and was possibly involved in arms smuggling.

60. October [REDACTED] 1990 Station Report. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] the legal process and trial would be completely clean, [REDACTED]

[REDACTED]

61. [REDACTED] DeVine's killers were not under orders from Garcia Catalan to kill him, and opined that they got into a fight and killed DeVine. [REDACTED] that there was insufficient consistent evidence to convict the five military prisoners [REDACTED] the DeVine family lawyer [REDACTED] he would try to delay the trial to develop more evidence.

62. [REDACTED]

[REDACTED]

[REDACTED] that others" had reported that "DeVine drank heavily either at his own bar/restaurant in Poptun or at some other local watering place and then practiced his karate on the troopers from Poptun Base and beat them senseless," adding that the Station had not verified this.

64. October-December 1990 Embassy Reports. According to Embassy reporting, an FBI polygrapher arrived in Guatemala on October 27 to examine the six suspects under detention in the DeVine case.⁵ Ambassador Stroock continued to apply pressure to Cerezo and December 12 Embassy reporting indicated that Stroock believed that Cerezo had lied when he told Stroock he had ordered interrogation of all army officers who could possibly have been involved in DeVine's killing.

65. December 1990 Intelligence Report.

had received no recent orders to pursue further the investigation into DeVine's killing;

that all but one of the suspects being held were innocent and the other might be also;

who also was allegedly involved, was innocent; that the actual killers were military personnel, but had not been acting

⁵ These were the original detainees, not the soldiers who eventually were arrested, tried and convicted of DeVine's killing. The Guatemalan Government did not permit the FBI to polygraph the soldiers.

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under orders; that MOD Bolanos was the greatest obstacle to the investigation; that Army COS Mata disagreed with Bolanos and sought a complete public investigation; [REDACTED]

[REDACTED]

66. [REDACTED]

[REDACTED]

[REDACTED]

67. [REDACTED]

[REDACTED]

68. On December 21, the Chargé sought a meeting with President Cerezo but met with Guatemalan Presidential Spokeswoman Claudia Arenas because Cerezo was unavailable. The Chargé reportedly reviewed the many demarches and letters that had been sent to the Guatemalan Government by U.S. officials, expressed the U.S. Government's deep concern over the continued cover-up of the facts regarding DeVine's killing, and stated that the State Department would announce at noon on December 21 the immediate suspension of all U.S. military aid to the Guatemalan armed forces.

69. January 1991 Intelligence Report. [REDACTED]

[REDACTED] believed the U.S. Government would give the new Guatemalan President, who would be elected on January 6, sufficient time to resolve the investigation of DeVine's killing before taking serious actions against the Guatemalan Government. [REDACTED]

[REDACTED] that senior Guatemalan officers were not concerned about the short-term effects of the suspension of military aid, that they could begin purchasing equipment from other countries, [REDACTED] and that they believed the suspension of aid was the product of Ambassador Stroock, not the U.S. Government.

70. [REDACTED]

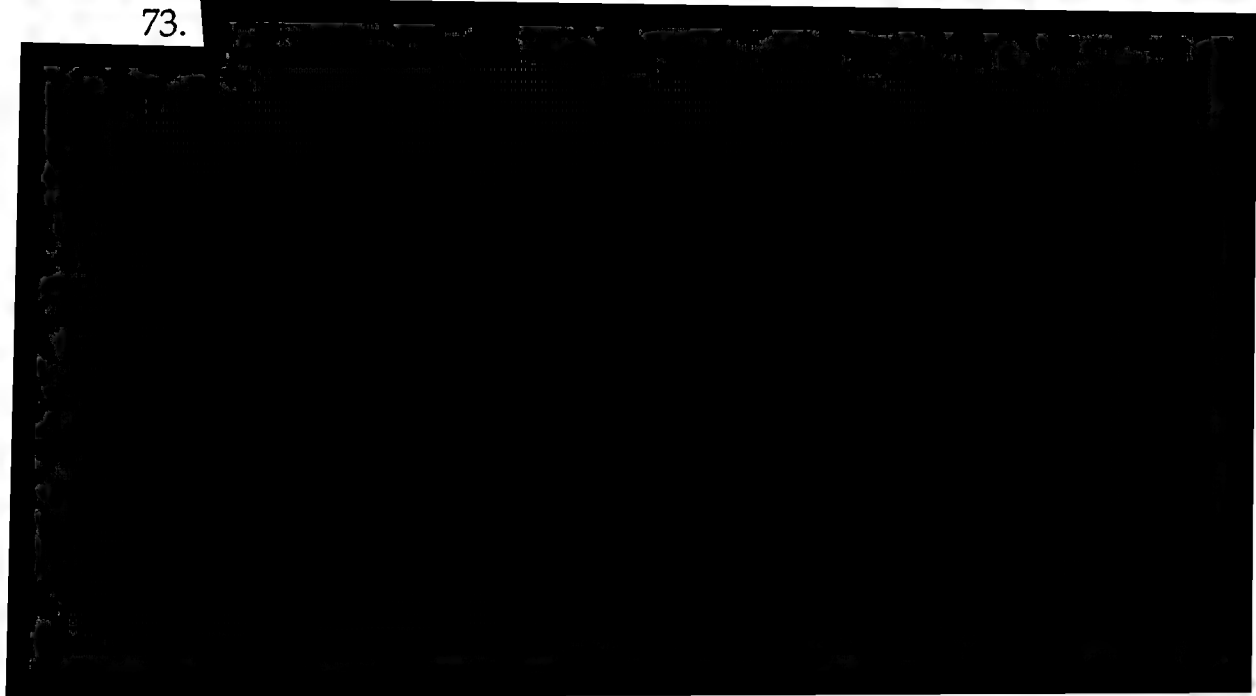
[REDACTED]

71. [REDACTED]

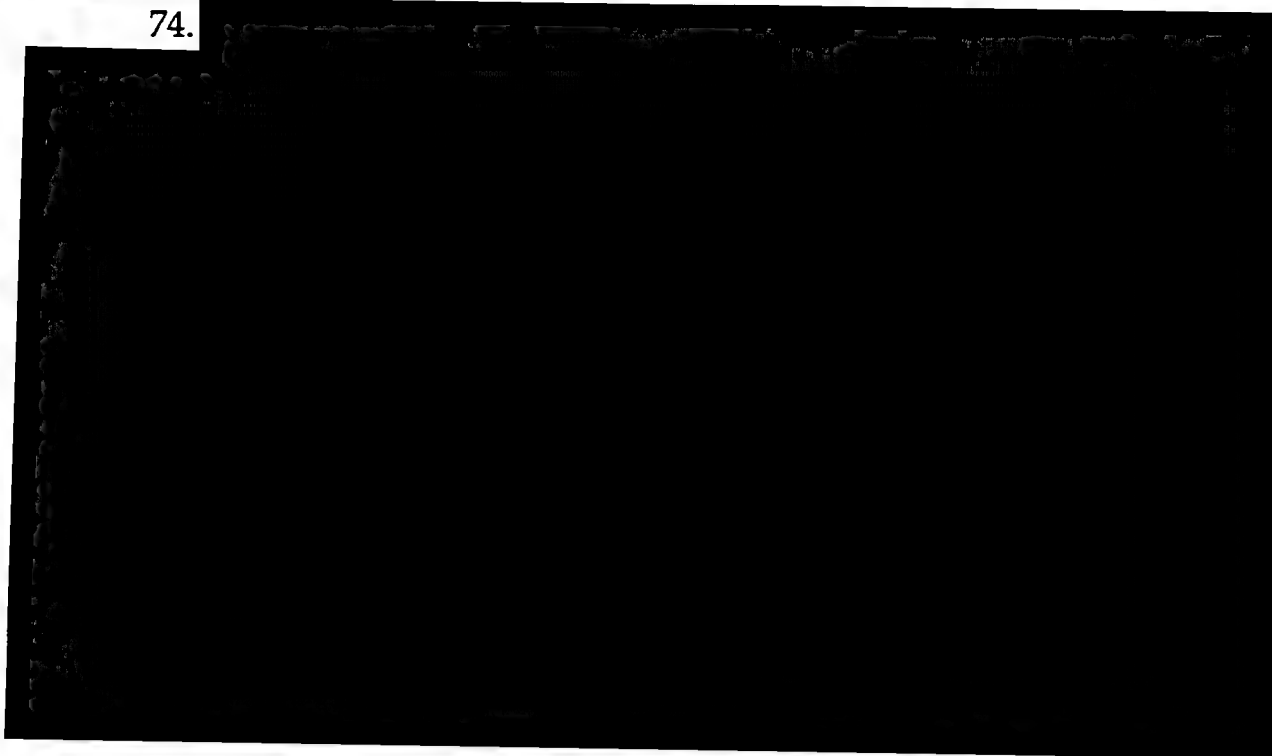
72. [REDACTED]



73.



74.



75. January-February 1991 Embassy Reports. A January 4, 1991 Embassy telegram from Ambassador Stroock reported a wide-ranging conversation between Stroock, DCM Taylor and Serrano. Stroock told Serrano that there was still great concern in the United States over human rights violations and that the DeVine case was a touchstone. Stroock noted in the message that Taylor had explained details of the DeVine case that Serrano had not known and that Serrano was told that, "We knew that some officer in Flores ordered six army personnel to Poptun to surveil DeVine. When the six arrived in Poptun, they checked in with the Kaibil Base there. Their orders were reaffirmed in a telephone call between the Kaibil Base and the Flores Zone command." Serrano also was informed that MOD Bolanos was personally blocking the investigation. [REDACTED]

76. On January 12, the Embassy reported by telegram that Serrano had told Ambassador Stroock that he would appoint General Luis Enrique Mendoza to replace MOD Bolanos; current Defense Vice Minister General Raúl Molina Bedoya to replace General Mata as Army COS; and MZ-23 Zone Commander Ortega [REDACTED] to replace General Godoy as head of the Presidential Military Staff. Among the conditions Serrano placed upon Ortega in his new position were that he help in cleaning up the military and have complete respect for human rights. Serrano said that some of the military would view his actions as bowing to U.S. Government pressure, and that he would need immediate lifting of the suspension of U.S. security assistance. Stroock indicated that, if the DeVine investigation moved quickly, he would move promptly to lift the suspension.

77. In a January 25, 1991 telegram, Stroock reported on his first meeting with new Guatemalan MOD Mendoza. According to the telegram, in the course of the meeting, Mendoza "launched into" the DeVine case without any prompting and stated that he wanted to get the

case resolved and put behind them as fast as possible. Mendoza expressed skepticism about the value of some of the data being provided by a private investigator, suggesting that one of DeVine's employees might have provided false information in retaliation for troubles he had previously with certain members of the Army. Mendoza also opined that he did not think there had been an "intellectual author" to this killing. Mendoza indicated that he did not want to tie the DeVine case to U.S. military aid and that the case would be acted upon without having to use such pressure, because it was their moral obligation to do so.

78. Stroock was favorably impressed by the meeting. He commented in the telegram that he was thoroughly impressed with Mendoza's frankness; he was struck by Mendoza's positive attitude toward the DeVine case, specifically his view that resolution of the case was a moral obligation; and he believed Mendoza intended to maintain a close relationship with the U.S. Embassy. The telegram concluded, "Mendoza appears well intentioned, and seems to have a clear picture of his goals for the institution."

79. In late January 1991, the Embassy provided Serrano with five human rights-related actions it considered to be benchmarks for completion before military aid would be restored. The first was substantial forward movement on the DeVine case. By February 4, 1991, reports on the Guatemalan reaction to the U.S. Government's demarche were being received by the State Department [REDACTED]

80. A February 7, 1991 State Department telegram informed the Embassy of a February 4 meeting between Bernardo Neuman, "a self-described advisor to President Serrano;" Richard Earle, a Washington attorney; and Assistant Secretary Aronson and DAS Sullivan. According to the telegram, Neuman was sent by Serrano, in part, to discuss the benchmarks demarche Stroock had delivered. Neuman characterized Serrano as disappointed that the United States would doubt his intentions on human rights and civilian control of the armed forces and listed in some detail the reasons Serrano reacted so negatively. One of the non-DeVine related benchmarks was considered an infringement on Guatemala's sovereignty. With respect to the DeVine case, Neuman emphasized that Serrano was on the phone with Mendoza and others in

the military "almost every twenty minutes" and that he understood the importance of a thorough investigation in this case. According to Neuman, Serrano expected "resolution" within sixty days.

81. According to the telegram, Aronson emphasized that, while the United States had trust in Serrano, it would not be possible to "just turn on [military] assistance based on promises, however well intentioned. What are needed are credible changes." Aronson stated that Serrano "in many respects must bear the burden of the Cerezo Administration's lack of follow through on human rights commitments."

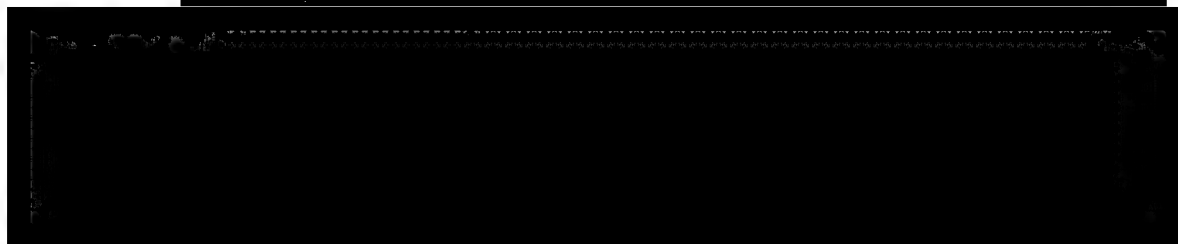
82. February, 1991 Intelligence Report.

in early February regarding Serrano's explanation to military officers for his decision to turn down U.S. military assistance, and the Guatemalan military's anger concerning U.S. policy.

Serrano's explanation that he had refused all U.S. military funds because the U.S. Government had presented, in an offensive manner, a list of conditions precedent to resumption of the funds. Serrano stated that he was surprised and offended by the attitude of Ambassador Stroock who in delivering the U.S. Government message had affronted the respect and dignity owed to the Constitutional President of a Republic. Serrano emphasized that if he were to have accepted the conditions, he would have felt nothing more than a puppet and described the message and Stroock's delivery as insulting and insolent. Serrano was praised by his audience of mid-level and junior officers for taking a firm stand against U.S. interference in internal affairs.

Serrano described the conditions as the offering of a bribe of \$100,000 per month and resumption of military assistance in return for prosecution of Garcia Catalan and officers involved in another human rights incident.

83.

84. 

85. March 1991 Embassy Reports. March 8 Embassy reporting indicated that the five military suspects had provided sworn statements to the Guatemalan Attorney General's representative, in the presence of the DeVine family lawyer, to the effect that the orders for DeVine's kidnapping and killing were given by Colonel Guillermo Portillo Gomez, Deputy commander of MZ-23 at the time, and Captain Hugo Contreras Alvarado. The men who carried out the orders were identified as Joaquin Alfaro Avelar, who was in charge; Oliverio Orellana Valdez, second in command; and five soldiers assigned to S-2--Francisco Solbal, Juan Antonio Garcia Hernandez, Jose Tobias Orellana, Tiburcio Hernandez y Hernandez, and the driver, Daniel Tolon Rodriguez. The scenario from the statements, as reported by State, was as follows:

The group left the Base in Santa Elena about [3:30 p.m.] on June 6. They arrived at the Kaibil (Ranger) Base in Poptun about [6:45 p.m.]. They were given food and lodging. On June 7 the group reconnoitered the area of the DeVine farm to establish DeVine's movements. On June 8 they left the Kaibil Base in Poptun aboard a white Toyota pickup truck with no license plates, and went to the DeVine farm to carry out their orders. About [3:30 p.m.], they intercepted DeVine driving his van, kidnapped him, drove him to a nearby place known as "La Montana Rusa" ("The Roller Coaster"). They murdered DeVine there about [5:30 p.m.]. The group then left Poptun aboard the white pickup

truck for Santa Elena, arriving back at the Base about [9:00 p.m.] on June 8.

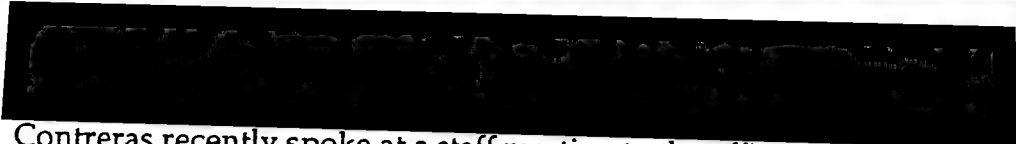

86. In two separate meetings, Ambassador Stroock, DCM Taylor and the DeVine family lawyer apprised Serrano and MOD Mendoza of the sworn statements from the military suspects. According to Embassy reporting, Mendoza was most displeased and took issue with the statements. He suggested that the testimony had been bought with dollars or the promise of U.S. visas; stated that the FBI-assisted polygraphing of the original five detainees was an illegal act that constituted interference in the Guatemalan judicial process; commented that former MOD Bolanos had been wrongly accused of trying to cover up the DeVine case; and stated that the Army and the Guatemalan Government would not respond to demands.

87. April 1991 Intelligence Report. [REDACTED]


[REDACTED] said that [DeVine] was killed by Guatemalan soldiers dispatched from the Military Zone 23 Headquarters at Santa Elena to look for a missing rifle. [REDACTED] a soldier assigned to MZ-23 had deserted, taking his Galil rifle with him. Because this constituted a military crime, the Guatemalan Military Intelligence Service (D-2) [REDACTED] was nominally responsible for the operation to arrest the soldier and recover the rifle. The officers actually charged by the D-2 with carrying out the operation were Col. Mario Roberto Garcia Catalan, commander of MZ-23; Col. Guillermo Portillo Gomez, second-in-command of MZ-23; and Lt. Hugo Roberto Contreras Alvarado, the MZ-23 assistant intelligence officer at the time. [REDACTED] the senior MZ-23 intelligence officer was on vacation. Contreras, known as "El Maldito" [i.e., "the damned"] for an eye defect and also for his bad temper and brusque manner with subordinates, was directly in charge of the operation.

[REDACTED] Reports had reached MZ-23 Hqs that [DeVine] had purchased the stolen Galil rifle from the army deserter. Contreras decided to send a group of four non-commissioned officers (NCO's) and eight soldiers to


the Poptun area to question him. No commissioned officer was assigned to go with the group. The soldiers located and interrogated him regarding the missing weapon and location of the deserter. [DeVine] either did not know anything about the case or refused to talk about it. One of the NCO's told a soldier to bring a machete. The NCO then told [DeVine] that he would kill him if he did not talk. When [DeVine] still refused to answer questions about the case, the NCO killed him with the machete.



Contreras recently spoke at a staff meeting to the officers of the Military Zone headquartered in Salama, Baja Verapaz Dept., where he is currently the military zone intelligence officer At the invitation of his commanding officer, Contreras told the assembled officers that the U.S. Government is paying off witnesses to testify against him, offering them visas and asylum in the U.S. He said that since the U.S. Government had not been able to get either Garcia Catalan or Portillo, he, Contreras, was now the target.



Contreras is extremely worried about the progress of the case against him. This is compounded by the fact that many army officers consider him to be entirely to blame for the incident. They believe his failure to accompany the men who went to question [DeVine] was an unpardonable lapse in judgement. Further, they believe that Contreras, who is well-known for his abuse of soldiers assigned to him, probably frightened the soldiers into taking extreme actions in the belief that they would be severely punished if they did not recover the Galil rifle.)



[REDACTED]

[REDACTED]

89. [REDACTED]

[REDACTED]

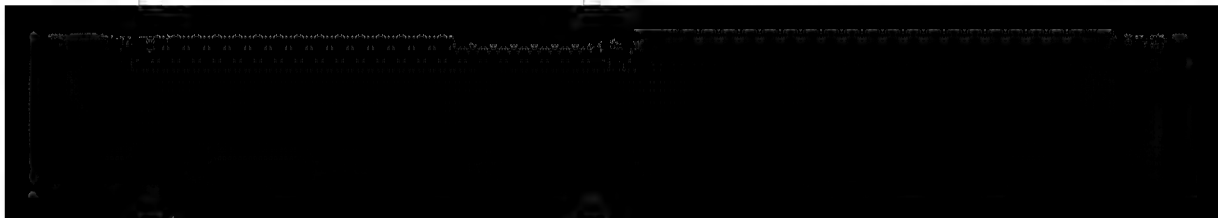
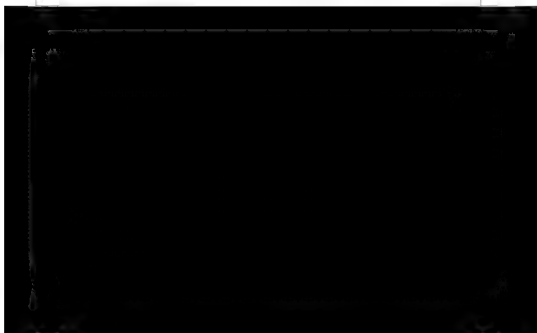
90. April [REDACTED] 1991 Intelligence Report.

[REDACTED]

[REDACTED] he believed
the U.S. Congress remained skeptical about the social and political
changes proposed by President Serrano. [REDACTED]

[REDACTED]

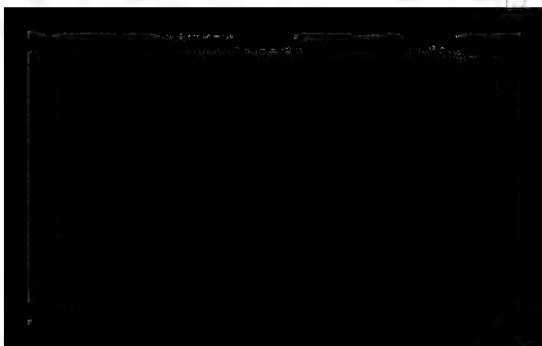
91.



92.



93.



[REDACTED]

94. April [REDACTED] 1991 Station Report. [REDACTED]

[REDACTED] advised privately by DCM Taylor of an "E-mail" message from DAS Sullivan regarding the DeVine case. The E-mail message said:

Given apparent D-2 involvement by having one of their officers implicated and now, apparently in attempted intimidation, can you tell me what [REDACTED] is doing or cutting off to make the point to D-2 that cooperation is also required from them? Depending on your reply, I am prepared to reinforce the point at high levels here. It is totally inconsistent for us to cut off all [military] aid, while maintaining major [REDACTED] assistance program to an offending branch.

The E-mail message also referred to recent reports that the five suspects under detention who had made sworn statements were being pressured to change their testimony. Some of those involved in applying pressure on them were alleged to be D-2 personnel.

95. [REDACTED] told DCM Taylor that [REDACTED] had long lectured the Guatemalan high command on human rights practices, and that, if indeed there were any D-2 involvement, it was likely to be resolved [REDACTED]

[REDACTED] the S-2 in Santa Elena was not acting on behalf of the D-2 when DeVine was killed, and [REDACTED] had no information to suggest that any attempts to intimidate the suspects were at the behest of the D-2. Taylor stated that he would draw on [REDACTED] comments in his reply to DAS Sullivan.

96. Headquarters replied on April [REDACTED] and stated that this was the first indication it had that State was questioning the propriety of continued [REDACTED] support to [REDACTED]. Headquarters suggested [REDACTED] point out to Taylor that Congress had reduced [REDACTED] FY [REDACTED]

1991 [REDACTED] in Guatemala by 50 percent, that the DeVine case played a key role in the cut, and that, therefore, a strong message on the DeVine case had already been delivered to [REDACTED]. The Headquarters response also suggested [REDACTED] discuss the intimidation allegations [REDACTED] and make clear that any effort to obstruct the prosecution of those guilty of DeVine's killing would have a calamitous effect on [REDACTED] ability to continue its support [REDACTED]. Headquarters also asked [REDACTED] report back [REDACTED] response, and tell DCM Taylor that this message had been delivered to [REDACTED].

97. There is no record of any response to this Headquarters message or of any discussions [REDACTED] in this context. [REDACTED]

98. April [REDACTED] 1991 Station Report. [REDACTED]

[REDACTED]

Guatemalan Immigration Service [REDACTED] was aware of [the DeVines'] presence in Guatemala from 6 July 1972, when the immigration service requested that they be looked into, apparently because they (DeVine and his wife) gave the appearance of being "Hippies."

[REDACTED] (undated, but written after the murder) [REDACTED] a personality profile of DeVine, which is generally positive, [REDACTED] notes his sometimes aggressive manner and readiness to denounce to the authorities those people in the area where he lived who were involved in narcotics trafficking. The report also notes that DeVine had no criminal record in Guatemala. The report appears to be a standard [REDACTED] investigative report.

The report also gives some possible motives for the killing. Among them are claims that DeVine was accused of being an army informant, that he had denounced drug traffickers, that he was a victim of a criminal extortion attempt by the guerrillas or that he was killed by people who wanted to buy his property cheaply. Two army deserters, Fredy Geovani Perez Archila and Osmali Enrique Morales Archila, are named as people with whom DeVine had had personal problems (significant in view of reports that DeVine's death was in some way related to his involvement with an army deserter). Another man is named as having been shot by DeVine some years ago, who may have sought revenge.

██████████ contains nothing that would directly incriminate the army in the crime; this comes as no surprise. ██████████ contains little of relevance regarding the ongoing Embassy investigation of the murder.

99. ██████████



100. May ██████████ 1991 Intelligence Report. ██████████

██████████ Serrano had instructed the military to charge those responsible for DeVine's death. ██████████ President Serrano had issued direct orders to the Army to bring charges against those responsible for DeVine's killing; that Serrano had become exasperated and angered with the evasive actions of the Army and the D-2 in response to his orders to provide him with reports on the killing; and that Serrano blamed D-2 Director Cabrera as primarily responsible for blocking the investigation into the murder. ██████████

██████████ Cabrera was indirectly responsible for the death because he ordered the investigation of the deserter who allegedly sold his rifle to DeVine. There was no evidence Cabrera intended that DeVine be harmed, but he was responsible for the cover-up and realized

he would be removed from his position should the truth become known.
[REDACTED] Cabrera was closely linked to former MOD Gramajo, who might be using his influence to protect Cabrera.

101. [REDACTED] Serrano was not satisfied with the D-2 file he had been given. [REDACTED] Serrano was intensely interested in resolving the case and saw it as one of the keys to improving the human rights situation in Guatemala.

[REDACTED]

102. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

103. May [REDACTED] 1991 Intelligence Report. [REDACTED]

[REDACTED] that Captain Contreras and five noncommissioned officers had been arrested in connection with the DeVine case. Contreras was identified as having issued orders to stage the operation, [REDACTED] not certain whether the order was to kill DeVine, or just to "teach him a lesson." Contreras did not accompany the team on the operation.

[REDACTED] the then-MZ-23 Commander, Colonel Garcia Catalan, was not involved, did not know about the operation, and was not in Peten at the time. In addition, Contreras' immediate superior, MZ-23 S-2 Chief Major Paiz, was not involved. [REDACTED]

[REDACTED] preliminary investigative findings indicated that Deputy Zone Commander Colonel Portillo Gomez had been aware of the operation, but the investigation had not yet determined whether he was more deeply involved.

104. [REDACTED]



105. June [REDACTED] 1991 Intelligence Report. [REDACTED]

[REDACTED] regarding a series of verbal attacks that MOD Mendoza had launched on D-2, the most

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serious of which was his accusation that the D-2 was doing more work for U.S. intelligence agencies than for the Guatemalan Ministry of Defense. Mendoza reportedly said he was going to replace Cabrera as head of D-2 for that reason, that he had recently confirmed his suspicions, and that the D-2 had been providing information to the U.S. Government that had led to the cutoff in U.S. military aid. In particular, Mendoza believed that information that DeVine had been killed by Guatemalan troops had been passed to the United States by the D-2.

106. [REDACTED]

[REDACTED]

[REDACTED]

107. May-June 1991 Embassy and [REDACTED] Reports. A May 31 Embassy telegram reported that [REDACTED] [REDACTED] sent an emissary to the Embassy seeking a secret interview to tell "the real truth" and to seek relocation for self-preservation. [REDACTED] claimed, according to the telegram, that he had been asked to act as a scapegoat, had been offered money to do so, and promised that he would be convicted and released shortly thereafter

when the U.S. Government's attention wandered. He was referred to the DeVine family lawyer.

108. The Embassy telegram also stated that the planned FBI polygraph examination of the "new" suspects had still not been approved. Further, the telegram reported that:

On May 31, military court prosecutor Pantaleon informed [the DeVine family attorney] that Col. Julio Roberto Alpirez, former commander of the Poptun "Rangers" training base, wishes to make a sworn declaration confirming that he provided lodging and food to the 7-member death squad the nights of June 6 and 7. If he does, it will be a tremendous breakthrough and in one fell swoop destroy the alibis offered by the five recently-detained specialists.

109. A June 4 [redacted] reported information [redacted] on the efforts of Colonel Portillo Gomez to prove he was being victimized to protect Garcia Catalan, who was MZ-23 Commander when DeVine was killed. [redacted] stated that this was the third reported murder cover-up involving Garcia. In the first two, he was protected by former MOD Gramajo, while he was protected in the DeVine case by Cabrera, a Gramajo protégé.

110. [redacted]



111. June 1991 Embassy and [REDACTED] Reports. June 15 Embassy reporting provided details of a meeting between DCM Taylor and CG and Presidential Chief of Staff Colonel Francisco Ortega Menaldo [REDACTED] to discuss the DeVine case. Key points raised by the Embassy officers were concern that Captain Contreras was free on provisional liberty in spite of sworn declarations and reports that he had threatened one of his accusers; concern that all key Kaibil Base personnel from the period when DeVine was killed, including Colonel Alpirez, had been transferred; the absence of a "Logbook of Occurrences" for the Kaibil Base in which all events such as arrivals, departures, and lodgings for the period March-July 1990 would be recorded; and concern that the DeVine family lawyer was being pressured to quit the case.

112. A June 21 Embassy telegram concerning the investigation reported, among other things, that in a line-up of five accused, a witness had identified two additional individuals as participants in the crime, bringing to four the total positively identified. The telegram also stated that Colonel Alpirez, reportedly on maneuvers, had not responded to three court summons to make a declaration.

113. A June 25 [REDACTED] provided a number of information items concerning the DeVine case:

[REDACTED] the personnel who killed DeVine loading personal gear and rations into a white pickup at the Santa Elena base under the supervision of Contreras, on the afternoon of June 6, and Contreras sending the group off to Poptun.

[REDACTED] immediately after the killing, the chassis and motor numbers of the truck were removed at the Santa Elena base, and the truck was repainted a brownish color. Other alterations were also made, and, about two weeks after the killing, the truck was driven to Guatemala City and turned over to personnel at a D-2 installation. Puntí reportedly stated that he drove the truck and was accompanied by Captain Jose Santos Bohr Avendano.

[REDACTED] had passed by that entrance on June 8 and observed two men waiting there. One of the men fired a weapon toward the feet of the neighbor as a sign he should clear out of the area.⁶ The following day, men wearing masks came to the neighbor's farm looking for him. The neighbor saw them from a distance and stayed away until they left. He reportedly has since sold his property and moved away out of fear of reprisal. This suggested to [REDACTED] that personnel at Poptun might be involved in the cover-up because the team that killed DeVine had returned to Santa Elena by the time the masked men appeared at the neighbor's farm.

114. [REDACTED]

[REDACTED] the police/forensic report on the DeVine case.

[REDACTED] No further information has been found regarding what happened to the police report. [REDACTED]

[REDACTED] State officers would have obtained the report on their own, the FBI was involved, [REDACTED]

115. July [REDACTED] 1991 Intelligence Report. [REDACTED]

[REDACTED] Colonel Portillo had not been in temporary command of MZ-23 in June 1990 at the time of the DeVine killing, as had been claimed earlier. Army Order [REDACTED] stated that Portillo was instead appointed Acting Commander from May 1-21, 1991 while Garcia Catalan was on vacation. [REDACTED]

[REDACTED] the enlisted men who were accused of actually participating in the killing believed their pay had been cut off to pressure them to testify exactly as ordered. [REDACTED]

[REDACTED] it was common knowledge among the officers [REDACTED] that there had existed some kind of personal or business relationship between [DeVine] and zone commander Garcia Catalan. Garcia had visited [DeVine] on numerous occasions and knew [DeVine's] wife. [REDACTED] comment: It is rumored that one of the two parties owed money to the other as a result of a business deal.)

116. [REDACTED]

117. August [REDACTED] 1991 Intelligence Report. [REDACTED]

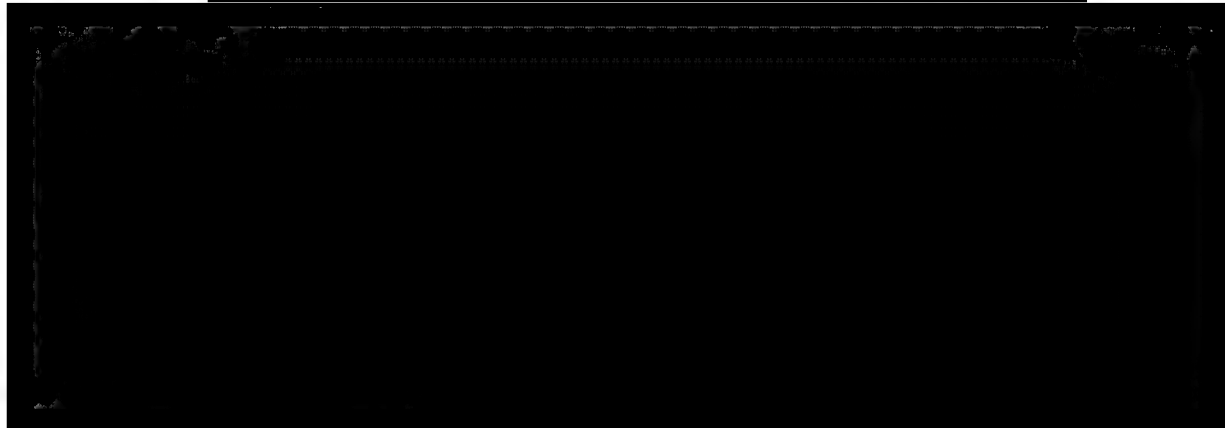
[REDACTED] the DeVine case was damaging the Army's relationship with the Guatemalan Government and was causing increasing anti-U.S. sentiment among some Army officers. [REDACTED] believed that the killing was the result of the enlisted personnel carrying out their mission in an inappropriately hostile manner and there was no evidence that DeVine was involved in any serious illegal activity. When word of the killing reached military headquarters, there was a debate about the course of action to be taken. [REDACTED] senior officers believed it would be best to cover up Army involvement and "stonewall" any investigation. They reasoned that, if the military admitted the involvement of its personnel, the U.S. Government would react angrily to the killing, which would hurt the Army's image, provide propaganda to the insurgents, and jeopardize military aid. All the events predicted to justify the cover-up came to pass because of it. [REDACTED] Portillo was innocent and knew nothing until after the killing. The allegation that the U.S. Government was trying to buy perjured testimony by offering asylum in the United States outraged officers in general.

118. [REDACTED]

[REDACTED] added a comment during the process of coordinating the report within the Embassy, stating that the allegations of U.S. Government efforts to buy testimony raised the specter that the Guatemalan army was engaged in a disinformation campaign for its own internal consumption. [REDACTED]

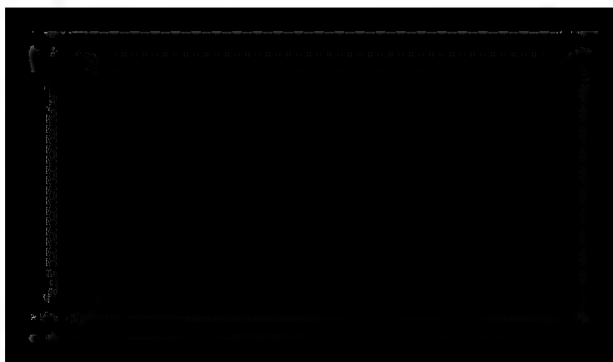
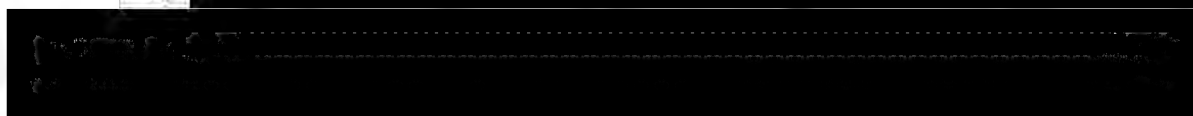


119. [REDACTED]

120. August 1991 Intelligence Report. [REDACTED]

[REDACTED] Mendoza has apparently decided to cast Captain Hugo "El Maldito" Contreras to the wolves in the [DeVine] case and has failed to provide promised legal assistance. Contreras had been promised "full support" by Mendoza when charges were first brought against him, including the services of an army lawyer. Sentiment is growing [REDACTED] that Mendoza is totally self-centered and interested only in protecting himself and his position.

121. [REDACTED]



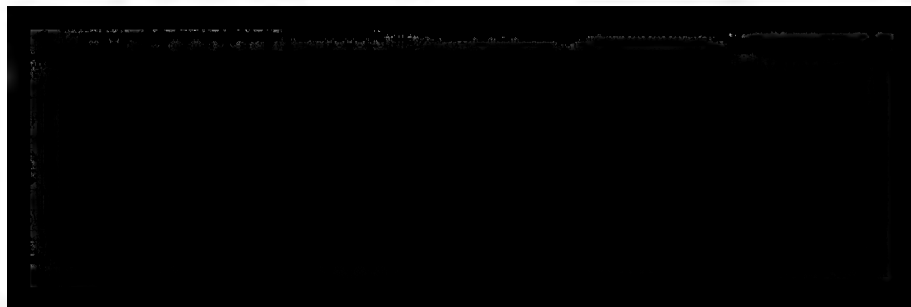
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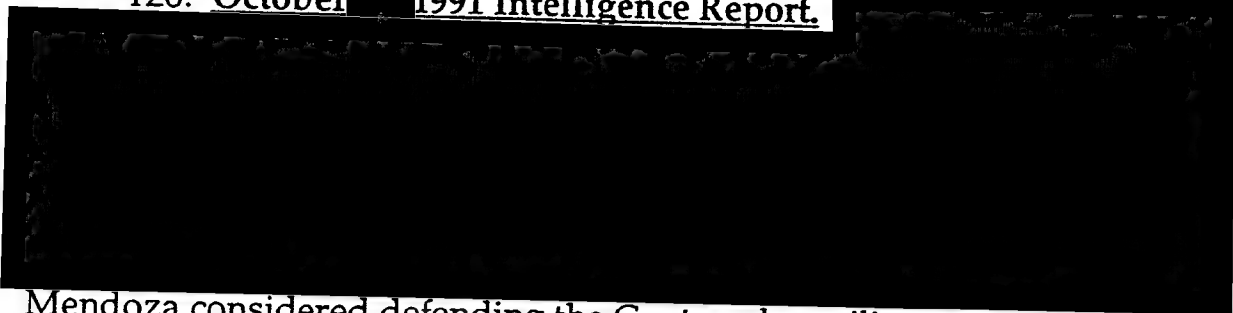
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125. September 1991 Embassy Report. September 30 Embassy reporting, attributed to the DeVine family lawyer, stated that a military court had ordered the release of Contreras on September 20, and that Colonels Portillo Gomez and Garcia Catalan had been questioned but not detained due to insufficient evidence. It was also noted that the attorney hired by the MOD to represent the officers had delayed the proceedings by insisting that Carole DeVine prove she was DeVine's widow, by requesting that she be required to post a two million quetzal (about \$400,000) bond to indicate that she was serious about pursuing the case, and by introducing false declarations by the manager of the case in Peten to the effect that the DeVine family lawyer and private investigator had tried to bribe him and other witnesses into giving false testimony.

126. October 1991 Intelligence Report.



Mendoza considered defending the Guatemalan military as an institution as his main mission;



that he was especially upset over pressures on him connected with the DeVine killing.

127. The report was forwarded to Headquarters on October [REDACTED] including the following Embassy comment [REDACTED]

Defense Minister Mendoza's belief that his role is to oppose any meaningful investigation of military misconduct, and his unfortunate assumption that defending the army as an institution mandates the uncritical defense of all its members, are likely to cause some military elements to believe they will continue to be immune from the consequences of their acts.

[REDACTED]

[REDACTED]

128. October 1991 Embassy Report. October 11 Embassy reporting stated that the DeVine family lawyer was informed on October 4 that the military court had denied a formal request that Captain Bohr Avendano and Major Paiz Hernandez be summoned to declare what they knew about the white pickup used by DeVine's killers. A witness, Benjamin Punti Perux, had claimed that Bohr had accompanied him when Punti took the truck to Guatemala City after it had been painted and altered at Santa Elena. Paiz was in charge of the Military Intelligence (D-2) unit in Santa Elena at the time.

129. October [REDACTED] 1991 Intelligence Report. [REDACTED] that Colonel Alpirez had been at the scene of DeVine's killing in June 1990. According to the version sent to Headquarters on October [REDACTED]

According to a mid-level Guatemalan military officer who claims direct knowledge of events surrounding the death of [DeVine] in June 1990, Guatemalan soldiers from the Military Intelligence office (S-2) of Military Zone 23 (MZ-23), headquartered in Santa Elena, Peten Department, were ordered to arrest and interrogate [DeVine] on suspicion of having in his possession a stolen Guatemalan army rifle, allegedly sold to him by an army deserter. MZ-23 commander Colonel Mario Roberto Garcia Catalan ordered Captain Hugo Contreras, an officer attached to the S-2, to take a number of enlisted men to the area of Poptun, Peten Department, locate [DeVine] and recover the Galil rifle. [REDACTED] comment: Garcia had earlier been blamed for the loss of other weapons under similar circumstances, a serious black mark on his record.) Contreras arrested [DeVine] and took him to the Guatemalan military base of the elite "Kaibil" troops, and at that time it was under the command of Lt. Colonel Julio Roberto Alpirez.

[DeVine] was interrogated by Contreras with Alpirez present. Contreras, a violent man with an explosive temper, well-known for his brutality, wrapped a poncho around [DeVine's] head, allowing him to breathe from time to time. Although Contreras had apparently not been ordered to kill [DeVine], [DeVine] died either from suffocation or heart failure. After he died, the body was taken in a truck back to a highway near his home, where it was placed in the road. The rifle, allegedly in [DeVine's] possession, was not recovered. ([Station] comment: The wound on [DeVine's] neck may have been inflicted to hide evidence of the earlier suffocation.)


130. [REDACTED]

Lt. Colonel Alpirez, now posted at MZ-18, headquartered at Malacatan in San Marcos Department, is an extremely violent man who has murdered guerrilla prisoners in the past. He recently has been observed engaging in bizarre behavior, such as walking through the town where he is currently stationed, exposing himself, and firing weapons in the air. Colonel Garcia, the officer who ordered Captian Contreras to arrest DeVine, has a personality similar to that of Alpirez and also has murdered guerrilla prisoners. Colonel Guillermo Portillo Gomez, the second in command of MZ-23 at the time of the murder, also is a violent person.

Following DeVine's murder, Alpirez made an official statement in which he admitted certain aspects of the crime but carefully shielded his own participation. Minister of Defense General Luis Enrique

Mendoza Garcia, incensed by Alpirez's statement which, if accurate, pointed to army involvement in the killing, ordered Alpirez to retract it. Alpirez refused to do so unless given a written order. Mendoza then removed Alpirez from his command of the training base and sent him to a dangerous, remote post in San Marcos. Alpirez then thought better of his defiance and requested permission to retract the statement but, as of mid-October 1991, remained posted to San Marcos. Minister of Defense Mendoza is responsible for blocking all efforts to investigate the killing, believing that he is responsible for defending the army as an institution.

131. The disseminated version contained one substantive change in the text. As noted above, the intelligence report submitted by the Station contained as the first sentence in paragraph 4, "[DeVine] was interrogated by Contreras with Alpirez present." In the disseminated version, the sentence was altered to read, "Alpirez, among others, was present when Contreras interrogated [DeVine]." No information has been found to indicate what Headquarters was trying to achieve by reversing the order of the sentence and inserting "among others" into the original report.



132.



133.




[REDACTED]

134. In both the October [REDACTED] intelligence report and the operations cable the Station noted that two different versions of the circumstances of DeVine's killing had been disseminated earlier by the Agency in August [REDACTED] 1990 and April [REDACTED] 1991 intelligence reports. The Station requested a copy of the August 1990 report for comparison purposes, noting that Station file holdings were minimal. [Note: The August 1990 report was [REDACTED] to the effect the military was involved and covering it up. The April 1991 report [REDACTED] and described the killing of DeVine by soldiers dispatched by Contreras to question him about a missing rifle.]

135. Over the following days, Headquarters and the Station debated how to [REDACTED] of the October [REDACTED] information and other points. Also, Headquarters advised the Station that there was a separate legal obligation to "report the facts of the case to the appropriately cleared individuals at the Department of Justice."

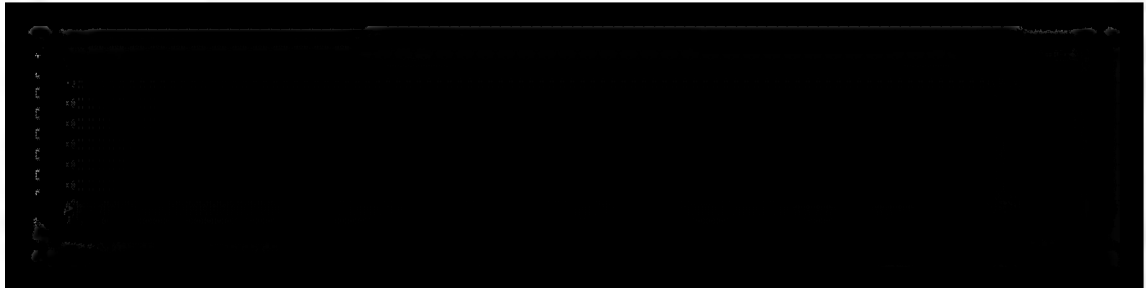
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136. [REDACTED]

[REDACTED]

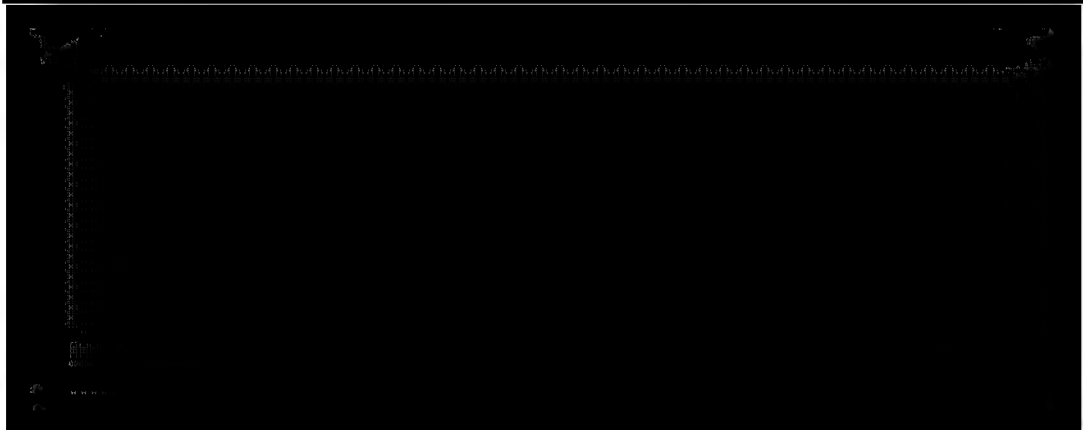
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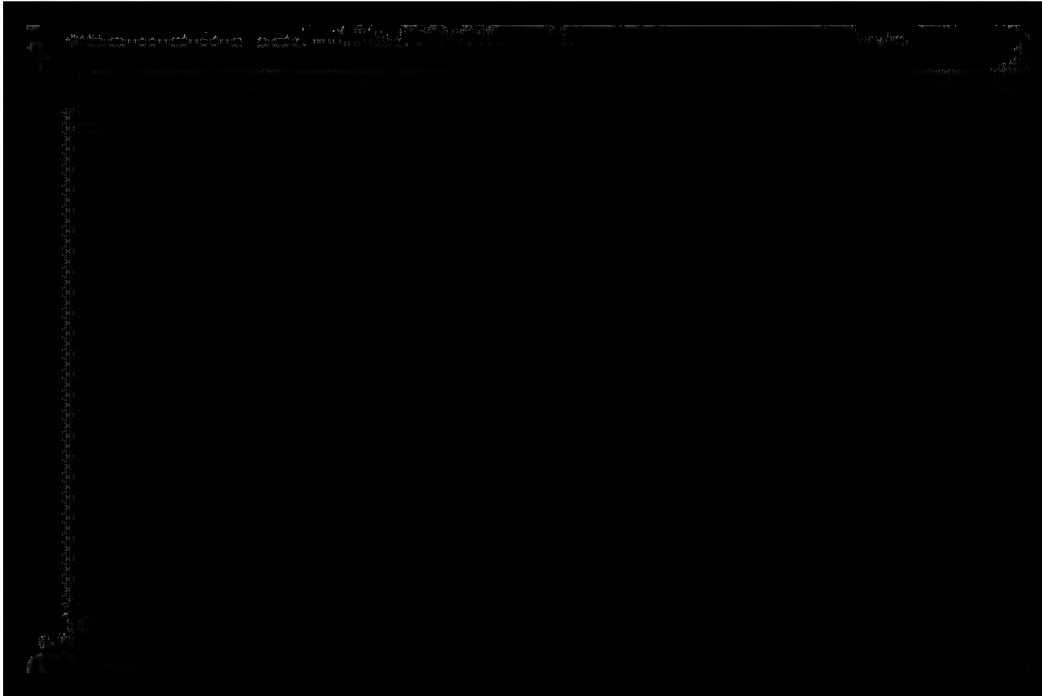
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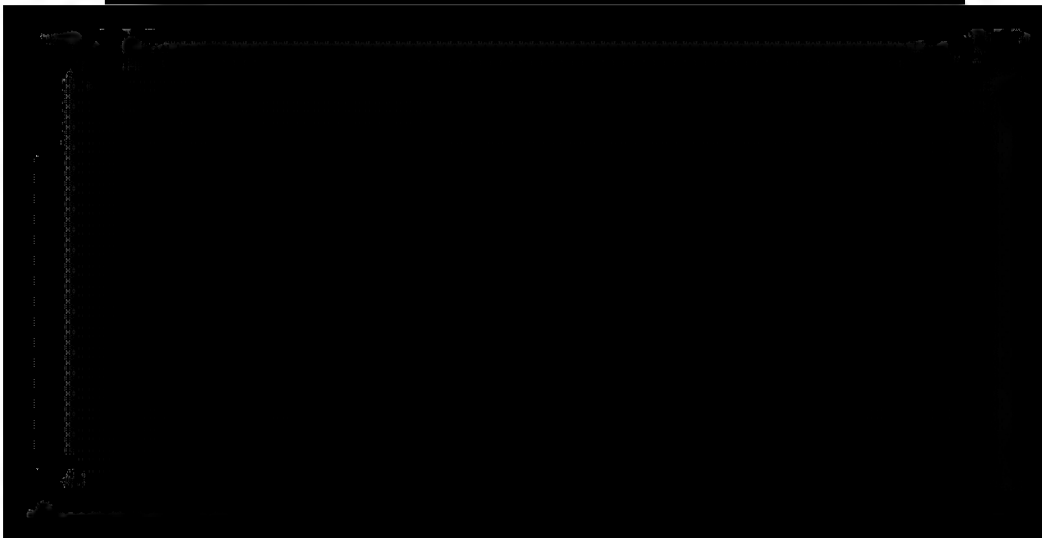


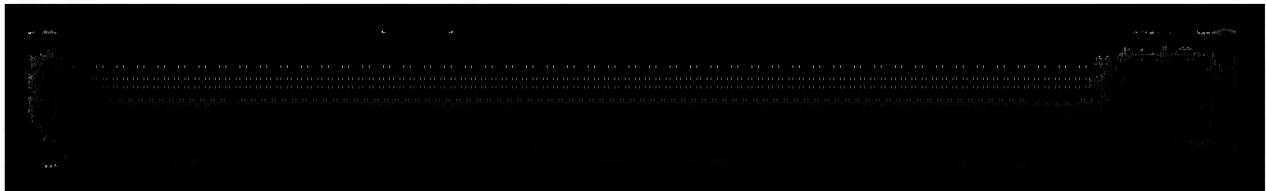


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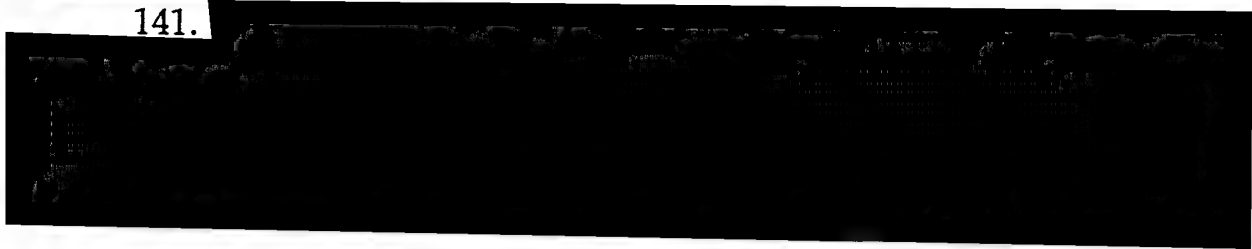


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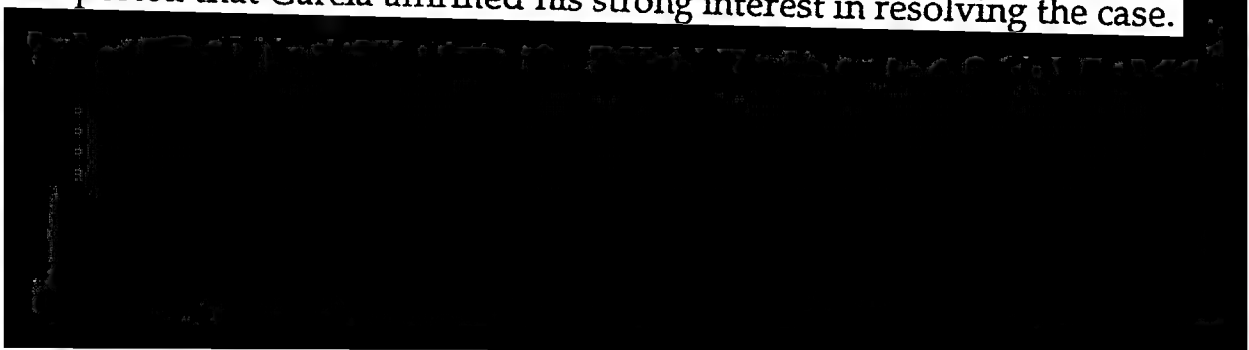


144.





145. December 1991 Embassy and DAO Reports. The Embassy reported on December 9, 1991 that Serrano had announced on December 6 that MOD Mendoza was being replaced by Gen. Jose Domingo Antonio Garcia Samayoa and Army COS Godoy was being replaced by Gen. Jorge Roberto Perussina Rivera. The Embassy noted that, by Guatemalan standards, the new MOD was progressive and this gave hope that the DeVine case would move forward. Ambassador Stroock and [REDACTED] met with the new appointees shortly thereafter, reported that they were saying the right things regarding the DeVine case, and expressed renewed encouragement. Later in December, the Chargé d'Affaires and [REDACTED] met MOD Garcia and reported that Garcia affirmed his strong interest in resolving the case.



146. December 21, 1991 Intelligence Report. [REDACTED]
[REDACTED]
Serrano had dismissed MOD Mendoza due to his continued blocking of investigations of several human rights cases, including those of DeVine and Diana Ortiz, an American nun who allegedly had been tortured and raped. [REDACTED]

~~SECRET~~

Serrano hopes that Mendoza's dismissal eventually will help alleviate international pressure on Guatemala regarding the military and human rights issues. Serrano further hopes that the new Minister of Defense Garcia Samayoa will be more responsive to his wishes and will understand that Serrano runs the country and the Army. Garcia Samayoa already has promised Serrano that he will immediately advance the investigation surrounding [DeVine] per Serrano's instructions. [REDACTED] comment: Garcia was selected principally based on Serrano's trust in him and his outstanding military credentials within the Guatemalan Army.)

147. [REDACTED]

[REDACTED] It was disseminated [REDACTED]

NSA;
State, INR;
DIA;
Treasury;
White House Situation Room;
USCINCSO;
Embassy, Guatemala; and
[REDACTED]
[REDACTED]

[REDACTED]

148. December [REDACTED] 1991 Intelligence Report. [REDACTED]

[REDACTED] that
Serrano relieved him for failing to resolve the DeVine case, failing to improve the military justice system, and because of pressure put on Guatemala by the U.S. Government.

[REDACTED]

[REDACTED]

[REDACTED]

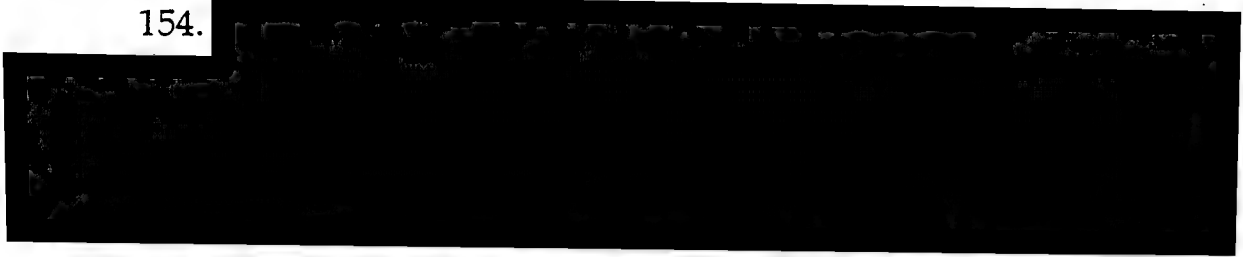
150. December [REDACTED] 1992 Station Report. COS [REDACTED] had accompanied the Chargé and the DAIT to brief new MOD Garcia Samayoa on the DeVine case. The COS noted that the meeting was cordial, and that Garcia had emphasized he wished to bring the perpetrators to justice to prevent the "institution" from receiving further unjustified blame.

151. January-March 1992 Embassy Reports. A January 21, 1992 Embassy telegram stated that press reports indicated that the Fourth Appellate Court had ordered the re-detention of Captain Contreras, and expressed the view that this was a positive sign. The telegram noted that, in addition to the new MOD's apparent willingness to resolve the DeVine case, the military tribunal also had a new president, replacing the previous president who was an academy classmate of Colonel Garcia Catalan. In a separate cable to Headquarters, the Station also reported the re-arrest of Contreras.

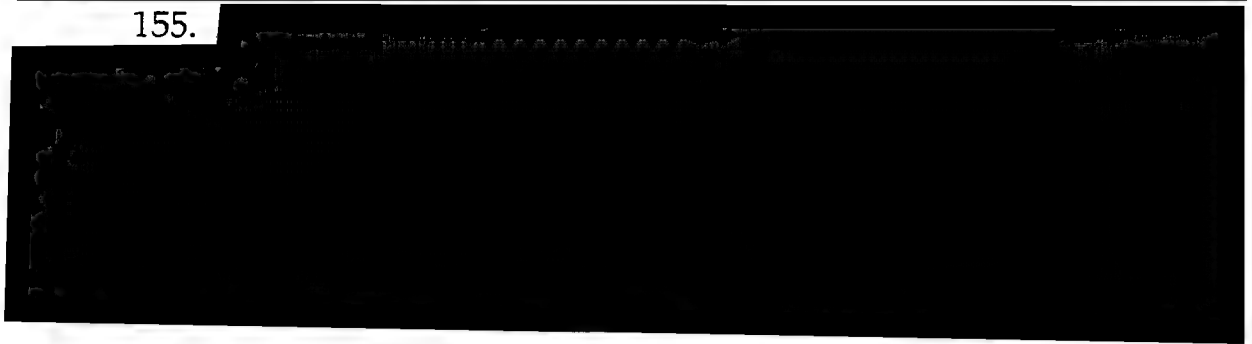
152. Secretary of Defense Richard Cheney visited Guatemala in mid-February 1992, and the DeVine case was among the issues he discussed with Serrano, the MOD and the Human Rights Ombudsman, Ramiro De Leon. A February 28 Embassy telegram provided summary comments on those contacts and some detailed justification for maintaining an active International Military Education and Training (IMET) program. Among other points, the telegram noted that, although progress had been very slow in the DeVine case, the overall improvement in the military's human rights performance was attributable to the IMET program training; that continued withholding of IMET funds would be a new sanction imposed at a time when the Guatemalan human rights situation was moving in the right direction; and that it was considered essential to maintain an open channel with the Guatemalan military.

153. The Embassy reported on March 4, 1992 that the CG, [REDACTED] and DeVine family lawyer had met with Army COS Perussina to brief him on the DeVine case. They highlighted to him actions the Ministry of Defense could take to resolve the DeVine case promptly: 1) provide the court a full and accurate report of the Army's investigation of the murder; 2) instruct Colonel Alpirez to give an honest and complete declaration about what he knew of the case; 3) instruct the military judge to obtain declarations from other active duty and former military members who had been identified as having relevant knowledge; 4) order Army assistance in locating and arresting the two discharged military members who allegedly formed part of the death squad; 5) secure the release of the four members of the first group who were innocent; and 6) instruct the attorney hired by the Army to represent the second group not to delay the process with frivolous appeals. The DeVine family lawyer stressed that neither he nor Mrs. DeVine had any interest in damaging the Army as an institution, nor did they plan any additional judicial action against those involved in the cover-up. This promise was stated to be particularly pertinent to Alpirez, as his candid declaration could provide all the evidence necessary to convict the guilty parties. The interview was viewed as very positive and progress was anticipated.

154.



155.



[REDACTED]

[REDACTED]

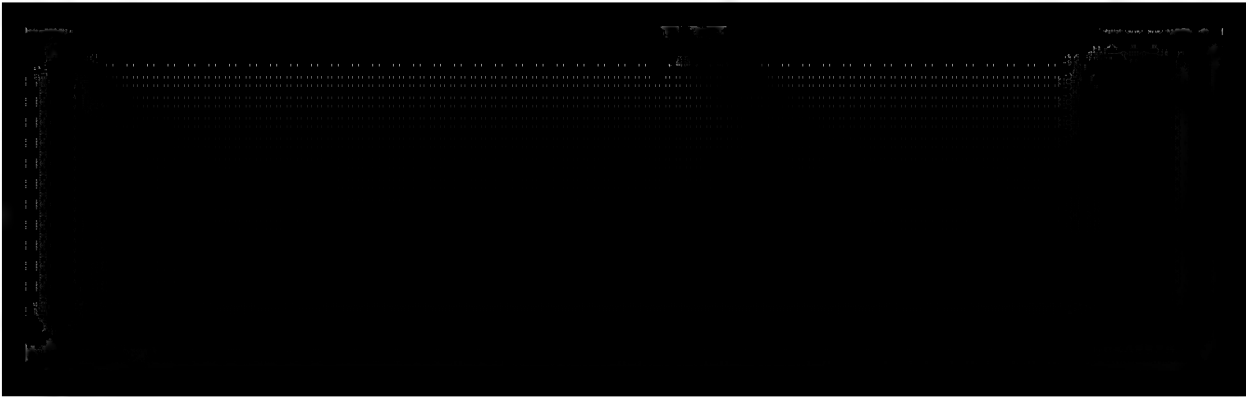
[REDACTED]

156. March-April 1992 Embassy and [REDACTED] Reports. A March 21, 1992 human rights summary from the Embassy stated that political officers had interviewed a truck driver on January 24 who said he was working near the crime scene on the day of the murder. The truck driver claimed to know nothing of the murder, but said he spent a year in a Peten jail after police found an old receipt bearing his name near where DeVine's body was found.



157. The Embassy reported on March 25 that Ambassador Stroock, accompanied by the CG and [REDACTED] had met with MOD Garcia who told them he had initiated a new internal investigation into the DeVine case, that he had personally listened to Colonel Alpirez's version of events, and that other Army personnel also had been questioned. The MOD said that the results of this investigation would be provided to the Staff Judge Advocate. The CG invited the MOD to visit the DeVine tourist ranch and Garcia said he would be pleased to visit. He asked the [REDACTED] to help coordinate the visit with his staff.



158. [REDACTED]



[REDACTED]



159. The Embassy reported on April 27 that DAS Sullivan had met with MOD Garcia during Sullivan's visit to Guatemala. In that meeting, MOD Garcia told Sullivan that he was convinced after personally speaking with Captain Contreras, Colonel Garcia Catalan and Colonel Portillo Gomez that the DeVine killing was not ordered.

160. April  1992 Station Report. 

 the military should allow some of the military officials implicated in "less significant" human rights cases to be prosecuted in order to eliminate the Army's image of covering up the facts and protecting its own. 

 cited the DeVine case as an example of a "less significant" case where the military should allow prosecution of military members. 

161. May-June 1992 Embassy and [REDACTED] Reports. In late May and early June 1992, the Embassy and [REDACTED] reported developments in the DeVine case. As characterized by a comment in [REDACTED]

[REDACTED]

◆ [REDACTED]

◆ [REDACTED]

◆ [REDACTED]


◆ [REDACTED]

162. [REDACTED]

[REDACTED]

163. August-September 1992 DAO and Embassy Reports. [REDACTED]

[REDACTED]



164. In a September 1 human rights summary for July and August, the Embassy reported that Rafael Tiul Cucul testified on August 25 in the trial that Contreras and three other soldiers had ordered the capture and murder of DeVine. Also on September 1, the Embassy reported on an August 31 meeting between MOD Garcia and Ambassador Stroock, the Consul General and DATT. Stroock raised several concerns about the trial, including a report that Contreras had made a threatening comment to the DeVine family lawyer in front of two witnesses. The meeting was described as cordial, but it was noted that the trial outcome was awaited with unease. After the meeting, Stroock told Garcia the Embassy was fully aware of the extent of Contreras' involvement in the murder, and it would be unfortunate if he went unpunished. According to the Embassy summary, Garcia "indirectly suggested" that other officers had not acted correctly, and named Alpirez and Garcia Catalan.

165. On September 8, 1992, the Embassy indicated that a verdict was expected on September 25 and that, if Contreras were to be found innocent or let off lightly, the Embassy would ask the MOD to support an appeal by Mrs. DeVine. If Contreras were to be convicted and receive an appropriate sentence, the Embassy asked for a prompt decision on reopening the military aid pipeline.

166. 



167. September 18, 1992 Embassy Report. On September 18, 1992, the Embassy reported on the Guatemalan court's reconstruction of the killing, and other developments. One pertinent part read as follows:

Despite the fact that the post log book covering the June 1990 period had disappeared and was not presented at an earlier legal inquiry last year, miraculously in its place this time appeared some loose leaf sheets of paper purporting to cover that time period. Close questioning of former base commander Col. Alpirez revealed he had no knowledge of how such reports might have been prepared and typed, and Alpirez made a fool of himself in front of Judge Advocate Pantaleon. Not surprisingly, these loose sheets indicated there was no Toyota truck entering or leaving the base, and no room and board provided to the accused enlisted men. Nonetheless, Rafael Tiul Cucul (the member of the first group of detainees who we believe was part of the death squad and the nearest thing to a State's witness in this case) indicated with many details a knowledge of the base from his June 1990 trip, including where they had been housed and fed. Additionally, Tiul Cucul was recognized by one of the waitresses at the mess hall.

168. According to the September 18 Embassy report, in the re-enactment of the killing, two witnesses recognized two of the defendants as having been at the farm with the white pickup on June 8, but two other witnesses failed to provide hoped-for testimony, probably out of fear. The Embassy report also described Captain Figueroa, the Santa Elena representative of the Judge Advocate's office, as extremely biased in the case, and said that Figueroa counseled Contreras and the five accused enlisted men not to cooperate in the two-day reconstruction of the crime. When Figueroa asked Pantaleon why he was present and was told it was on direct orders of the MOD, Figueroa responded that he did not care what the MOD ordered. The Embassy report also stated:

In a continuation of the evidentiary process, on Sept 14 Alpirez was summoned to make his sworn declaration at the judge advocate's office in the capital. In conformance with MOD Garcia Samayoa's instructions, he appeared on time. However, once again he lied about what he knows, claiming the accused were never on his base, nor was the famous white Toyota.

169. September 1992 Annual Station Plan.



170. September 1992 Embassy Reports. The Embassy reported on September 23 that the DeVine family lawyer had called a surprise witness on the last day of the evidentiary period, and that the witness's testimony was so incriminating that he was immediately removed from Guatemala to protect his life after testifying and would be resettled in the United States with his family. The witness, Mario Batz Peruch, was an enlisted man who had been assigned to the Kaibil Base for over three years. His testimony placed the white pickup and seven men from the Santa Elena base, four of whom he knew personally, at the Kaibil Base on June 7. Two key paragraphs of the Embassy report stated:

On June 8 (the day of the murder) at 5 a.m. Batz Peruch saw the pick-up leave the Poptun Base being driven by Daniel Tolon Rodriguez (one of the accused), carrying the same group of people he had seen over lunch the previous day. The pick-up returned to the base about 11:00 a.m. with the same group aboard, and left again at 1:00 p.m. About 30 minutes later Batz Peruch saw the pick-up parked in the town of Poptun. At that moment he noticed Mike DeVine, whom he knew personally, driving his van towards the pick-up. As DeVine passed the pick-up, the pick-up started following DeVine's van. The two vehicles were then lost from the witness's sight. However, Batz Peruch saw the pick-up, with the same driver and occupants, re-enter the base at about 5:30 p.m., load up some overnight bags and a 20-gallon blue plastic container. He didn't see the pick-up after that, but remembered these incidents in such detail because the following day he learned of

DeVine's murder. Throughout this time, the occupants of the pick-up were dressed in civilian clothes.

Batz Peruch's testimony also states that Col. Alpirez was on the base during those days and that because of normal base reporting procedures Alpirez must have known about the presence of the truck and men from the Santa Elena Base. Furthermore, as Batz Peruch himself left and re-entered the base several times during that time period and the guards at the front gate wrote down his comings and goings as usual, he believes the comings and goings of the white Toyota pick-up from the Santa Elena base would similarly have been recorded in the log book.

171. The Embassy reported on September 29, 1992 that Ambassador Stroock had told Attorney General Acisclo Valladares during a September 28 meeting that it was important that Alpirez be prosecuted for having been at the forefront of the cover-up effort. Valladares called Stroock the next day, September 29, to tell him Contreras had "gotten off" but that he would appeal that verdict as well as the conviction of one enlisted man who had turned state's evidence. That man, Tiul Cucul, and five other enlisted men were sentenced to thirty years.

172. [REDACTED]

[REDACTED]

[REDACTED]

173. [REDACTED]

[REDACTED]

[REDACTED]

174. October 1992 Station Report.

[REDACTED]

[REDACTED] Valladares' anti-Army stance on human rights and corruption. Valladares had been a great annoyance to the military in his pursuit of military corruption and the DeVine case.

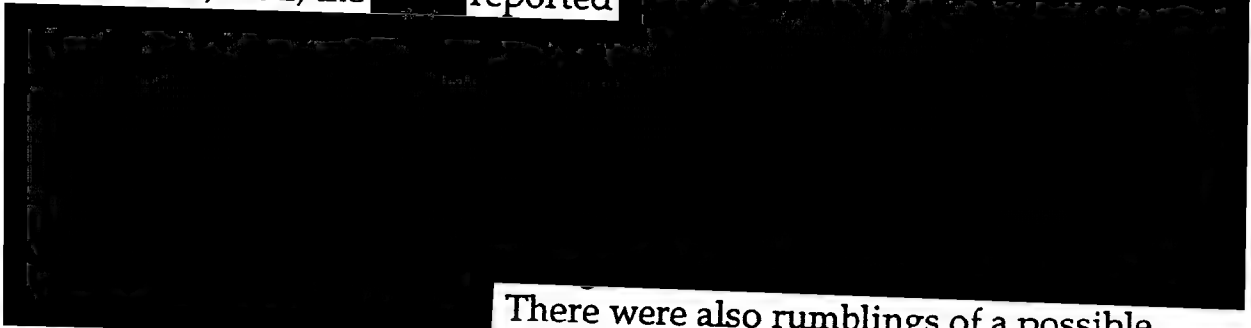
175. An October 14, 1992 [REDACTED] message reported [REDACTED] provided an update on the DeVine case. [REDACTED] stated that Captain Figueroa, the MZ-23 Santa Elena Judge Advocate's Office representative, who had interfered with the reconstruction of the killing, had been removed from the Army by the MOD for his interference in the case. [REDACTED] also stated that there was now a review process regarding Contreras and that two new charges--failure to report a crime and coverup of a crime--were to be considered against him. As for Alpirez and Garcia Catalan, the [REDACTED] message said:

Unfortunately, [REDACTED] did not give the Consul General nor the [REDACTED] any reason to feel confident that the Army will initiate coverup charges against Colonels Alpirez or Garcia. If in fact such charges are not made, [REDACTED] would then suspect that both Alpirez and Garcia did notify higher authorities at the time (read-MOD General Bolanos) about DeVine's murder at the hands of Army specialists, and that higher authority also ordered them to do no more and to keep their mouths shut. Regardless, the office of the Attorney General and Mrs. DeVine's attorney both intend to request of the appellate court that it instruct the lower court--the military tribunal--to initiate coverup charges specifically against Alpirez.

176. [REDACTED]



177. October-December 1992 DAO and Embassy Reports. On October 24, 1992, the [REDACTED] reported [REDACTED]



There were also rumblings of a possible coup against Serrano because much of the military was beginning to lose faith in the democratic process.

178. On December 3, 1992, the Embassy reported that Attorney General Acisclo Valladares, described as Guatemala's most effective Attorney General in recent memory, had been toppled by powerful

enemies who accused him of covering up his brother's purported efforts to defraud two wealthy aunts. The Embassy listed among those enemies the military leadership that was angered by Valladares' pursuit of military suspects in the DeVine and other human rights cases.

179. The [REDACTED] commented on December 9 on recent changes in the Guatemalan Army, including Garcia Catalan and Portillo Gomez. The MOD had told Ambassador Stroock that the careers of all officers connected with the DeVine case would not prosper. Nonetheless, Garcia Catalan was restored to command of a military zone less than a month after Stroock's departure. Portillo Gomez, however, was moved from command of one military zone of little importance to another, indicating that his career had stagnated.

180. [REDACTED]

181. February-March 1993 Embassy and [REDACTED] Reports. Both the Embassy and [REDACTED] reported on the DeVine prosecution appeal process in February and March 1993. The prosecution was seeking confirmation of the 30-year sentences for all but one of those convicted. The exception was the one individual who had turned state's evidence, and a reduction in whose sentence was to be sought. Conviction of Captain Contreras, who had been acquitted, was also sought. The court's decision was expected to be available in April.

182. [REDACTED]

~~SECRET~~

183. [REDACTED]

184. April [REDACTED] 1993 Station Reports. [REDACTED]

[REDACTED] accused by Helen Mack of being the "intellectual authors" of Myrna Mack's death, [REDACTED] confident that the Guatemalan Supreme Court would deny any motion to reopen the investigation and charge [REDACTED] denied any knowledge of or participation in any human rights violation. [REDACTED] fully expected, however, to be investigated by a Commission of the Past/Truth Commission, and [REDACTED] could not discount the possibility that [REDACTED] intelligence officers might be accused of being the "intellectual authors" of various and

assorted crimes that the URNG (The Guatemalan National Revolutionary Union, the umbrella insurgent organization) might attempt to attribute [REDACTED]

185. April-May 1993 Embassy and [REDACTED] Reports. Through late April and mid-May 1993, the Embassy and [REDACTED] sent several messages updating developments in the DeVine trial. On May 11, the court confirmed the convictions and 30-year sentences of the six Army enlisted men. It also convicted Contreras and sentenced him to 20 years, but Contreras escaped from custody the same day the sentence was announced. The Embassy commented that the convictions were a landmark for the Guatemalan justice system but that, if Contreras were not recaptured, his escape would undo any benefits that might have accrued to the Army as a result of the resolution of the DeVine case in court.

186. May 1993 Station Report on [REDACTED]

The Station stated:

There is considerable disinformation and rumor in Guatemala concerning human rights violations and at the first sign of a potential human rights problem [REDACTED] and/or the Military are immediately held to blame, rightly or wrongly. Therefore, Station will investigate all accusations/reporting of human rights violations [REDACTED] [REDACTED] contacts to determine the veracity prior to reporting the details to Headquarters. If we determine that there is a good possibility [REDACTED] contact being involved we will report the details to Headquarters for guidance and appropriate follow up.

187. [REDACTED]

[REDACTED] had denied in April 1993 any knowledge of or participation in human rights violations, [REDACTED] fully expected that a Commission of the Past/Truth Commission would investigate [REDACTED] and other officers might be accused of various crimes the URNG might try to attribute [REDACTED]

188. May 1993 Intelligence Reports. In May 1993, the Station reported information [REDACTED] on various aspects of the Contreras escape, the search for him, and unrest in the military over Contreras' treatment. [REDACTED]

189. [REDACTED] information was reported in a May 1993 Station operational cable to the DO at Headquarters [REDACTED]

[REDACTED] that Contreras [REDACTED] after picking up DeVine in June 1990, he advised the military General Staff "through channels" that he had DeVine in custody and asked for instructions. Contreras said he had received an order in response stating that he should "do whatever it takes to resolve the situation." [REDACTED] the order meant to do whatever was necessary to recover the missing rifle, that "through channels" meant he had received the order via D-2 channels, and that, since then-D-2 Director Colonel Cabrera would not have had the authority to issue the order, it must have come from the General Staff.

[REDACTED] speculated that Contreras was now dead or would be killed to prevent his revealing what he knew about DeVine's death.

190. May-June Embassy Reports. In late May 1993, President Serrano suspended constitutional guarantees, saying that narcotics traffickers and others had succeeded in infiltrating major institutions of the state and he was taking exceptional measures to deal with this threat to national security. This effort failed, however, elections were held, and former Human Rights Ombudsman Ramiro De Leon Carpio was elected President. On June 11, MOD Garcia Samayoa retired and was replaced by Major General Perussina Rivera. A new U.S. Ambassador, Marilyn McAfee, arrived in Guatemala City. As the U.S. relationship with the new Guatemalan Government was developing, it was made clear to the Guatemalan Government that recapture of Contreras and final resolution of the DeVine case remained a basic requirement for any consideration of restoration of military aid. On June 28, MOD Perussina was retired and replaced by General Mario Enriquez.

191. December 1993 Station Report. In December 1993, the Station advised Headquarters that the DeVine/Contreras case was again a major Embassy issue, with the D-2 in particular, and that Ambassador McAfee had suggested that, if action on the Contreras case were not resumed to her liking, she would press for suspension [REDACTED] support to the D-2.

[REDACTED]

[REDACTED]

192. March [REDACTED] 1994 Intelligence Report. [REDACTED]

[REDACTED] remarks made by MOD Enriquez Morales regarding the continued investigation into DeVine's killing. [REDACTED] Enriquez had received a formal letter from the U.S. Embassy that "almost demanded" to know what was being done to resolve the case. Enriquez told the officers that he considered the case closed, and the officers were unanimous in voicing their disapproval of this U.S. interference in Guatemalan internal affairs [REDACTED]

[REDACTED]

193. [REDACTED]

[REDACTED]

[REDACTED]

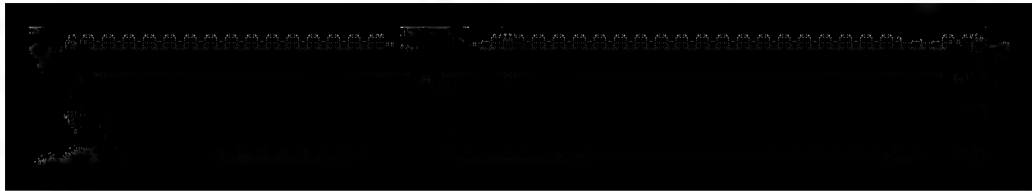


194. [REDACTED] May [REDACTED] 1994 [REDACTED]

[REDACTED] why the Embassy or the U.S. Government was pushing so hard for the Guatemalan Government to find and punish Contreras when the Guatemalan Government had already found Contreras guilty. [REDACTED] view was that the guilty verdict alone should have appeased the U.S. Government, and that the evidence upon which Contreras was convicted would never have yielded a guilty verdict in a U.S. court, or any court free to judge the evidence without having political pressure applied.

195. August [REDACTED] 1994 Intelligence Report. [REDACTED]

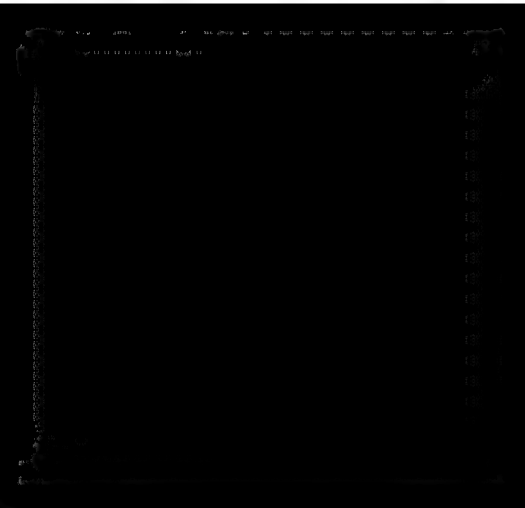




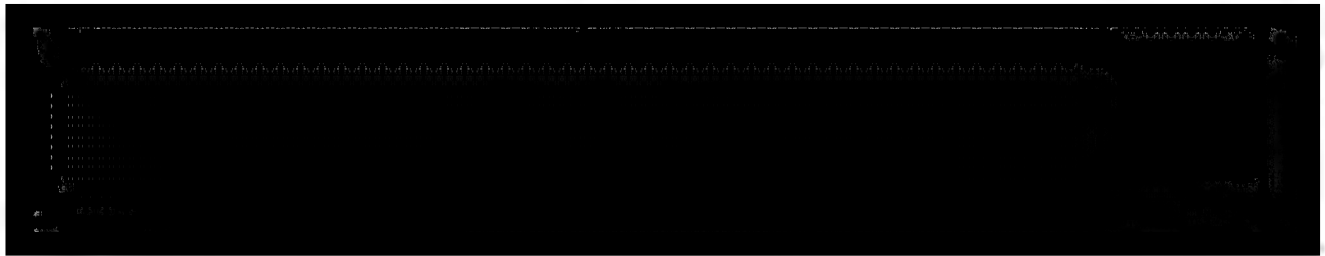
196. The Embassy attached the following comment to the cable during the coordination process:

Since January 1, 1994, there have been two relatives of DeVine witnesses murdered (one civilian and one soldier) and another (a soldier) shot in the leg. Additionally, two other relatives with previous army experience have been targets of intimidation. One of these relatives and his family live in a safehouse provided by the Archbishop's human rights office. We believe that the timing of these events, which have occurred during the ongoing appeal by the convicted DeVine killers, the number of instances and, in one murder, the degree of torture inflicted (tongue cut off, hands butchered, "Tiro de gracia" to the head) lead us to the conclusion that persons unknown (but probably related to the military) who are not pleased with the U.S. Government role in the DeVine matter are a threat to the witness relatives still in Guatemala.)

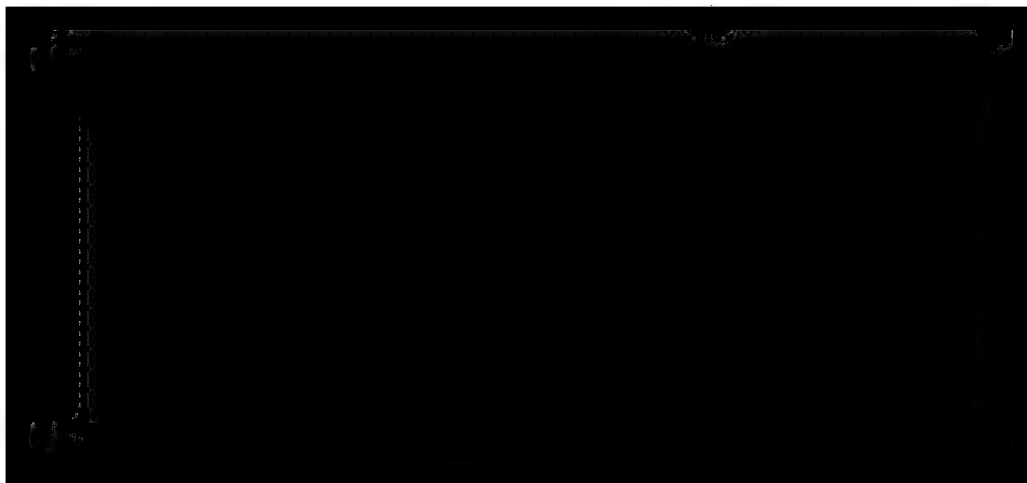
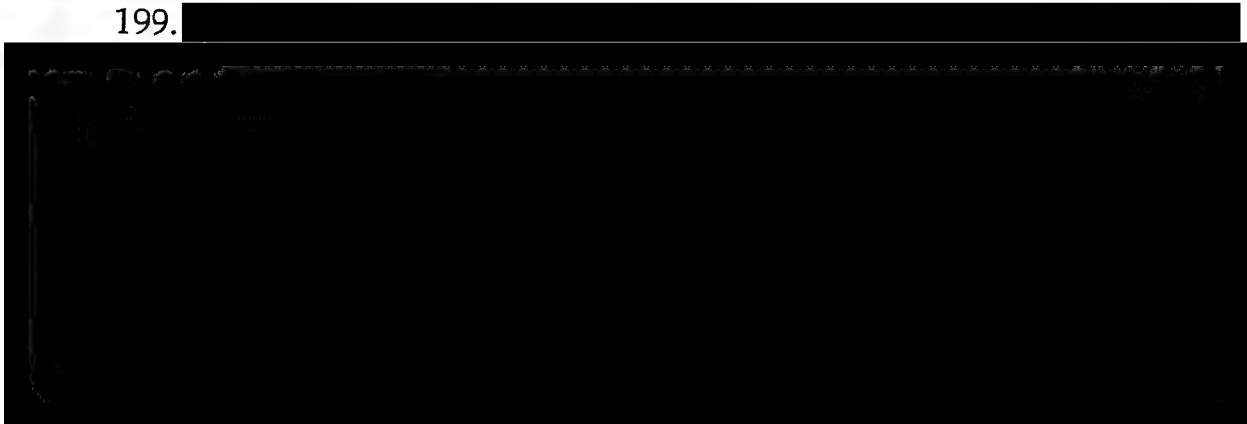
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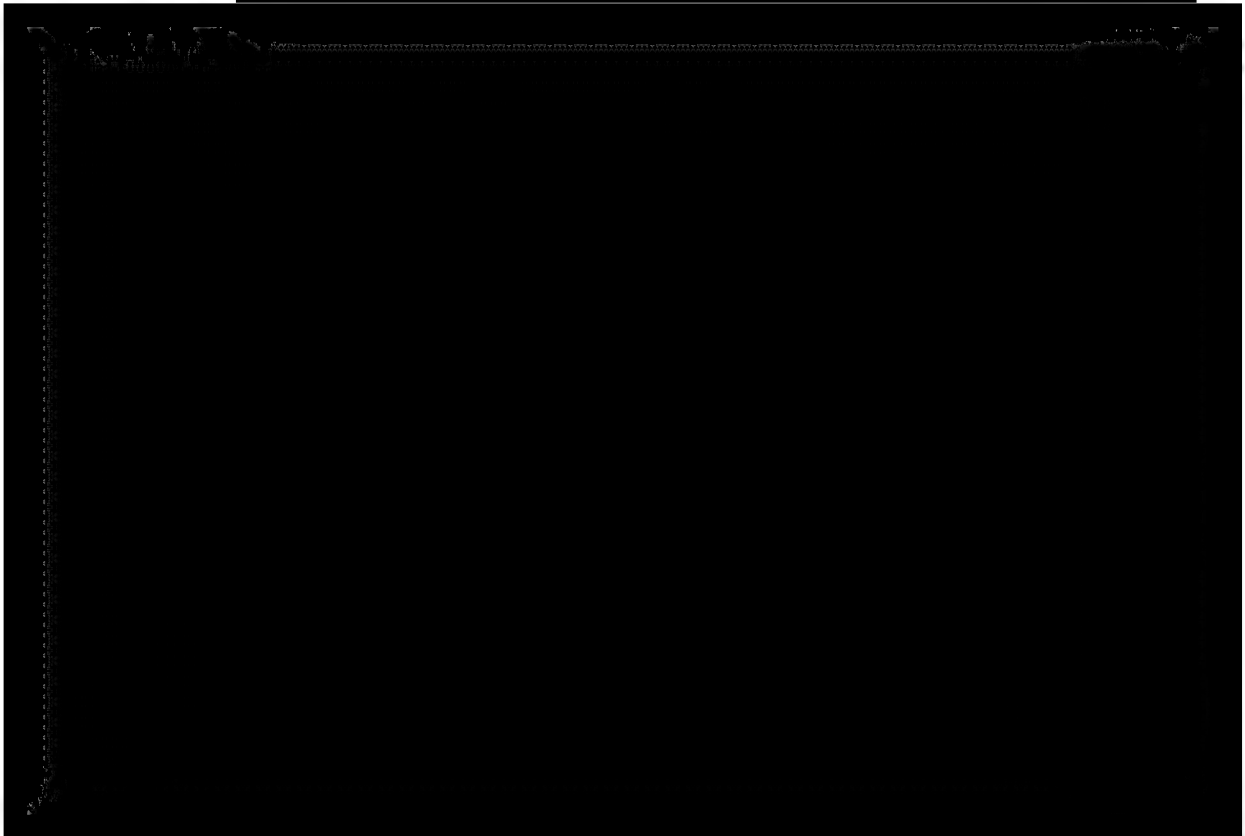
200. January 25, 1995 Intelligence Report.

linking Alpirez to the death of insurgent leader Efrain Velasquez Bamaca was disseminated

(For detailed discussion of that information, see

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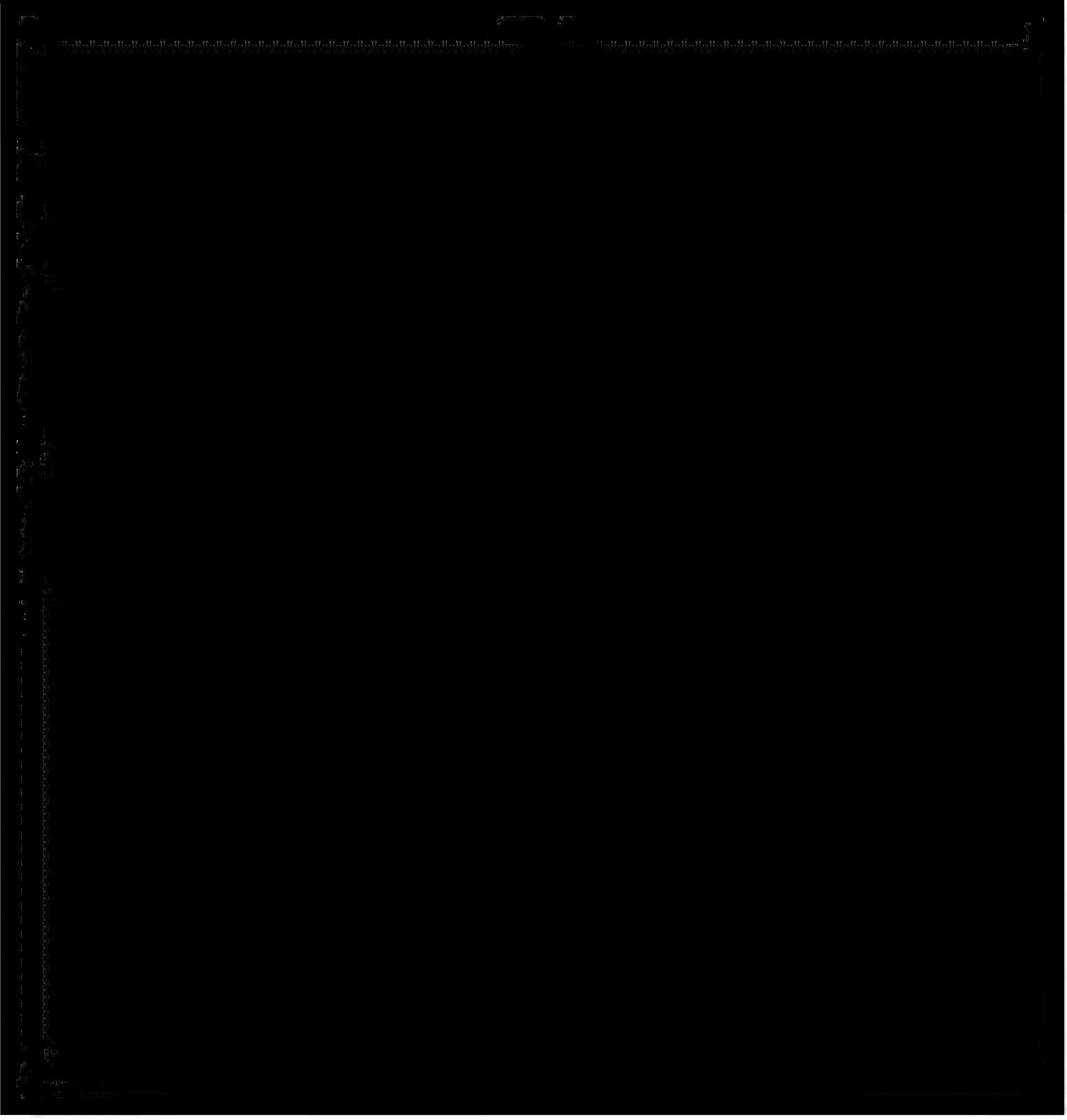
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Chronology

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Chronology: Key Events

Late 1960's	Michael and Carol DeVine arrive in Guatemala.
CA 1971	DeVines purchase a farm in Peten, near Poptun.
1971 - 1980	Farm/wilderness area established--DeVines open a hotel and restaurant.
	1990
June 8	DeVine seen in company of individuals in a white Toyota pickup truck.
June 9	DeVine's body found on road near his farm--beaten and nearly decapitated.
Mid-June	Initial police report states possible motives for death were robbery, drug related, or because someone wanted DeVine's property.
June 13	Ambassador Stroock asks Guatemalan Minister of Defense for assistance in investigating killing.
June 13	National Police report alleges DeVine killed by a local who had a prior altercation with DeVine.
June 22	[REDACTED] reports Guatemalan Army denies involvement in murder and assures crime is being investigated.
July 19	Meeting with Embassy officer, DeVine lawyer, [REDACTED] and Chief of Military Intelligence-- [REDACTED] presents his investigation findings.
August 10	Embassy reports that military may be involved in DeVine's death and a cover-up of that involvement.
August [REDACTED]	[REDACTED] that Guatemalan Military was involved in DeVine's killing and that a cover-up was in process. Men from S-2 in Santa Elena had been dispatched to surveil DeVine.
August 21	Hqs instructs COS [REDACTED] to brief Stroock on DeVine case.
[REDACTED]	[REDACTED]

Late August	Stroock pressures President Cerezo to resolve DeVine case. Cerezo's anger over meeting is reported by Station.
September 9	Embassy reports that Cerezo admitted that members of security forces may have killed DeVine--promises investigation.
September 10	██████ reports DeVine was killed by personnel from Santa Elena.
September 21	Guatemalan judge issues a warrant for arrest of suspects in DeVine's killing.
October ██████	Station reports ██████ stated that men had been sent to surveil DeVine, to recover two rifles stolen by deserters, the issue got out of hand and resulted in DeVine's killing.
October 8	DeVine case is turned over to military court.
December ██████	Station learns ██████ had not received instructions to pursue investigation and that MOD was an obstacle. State Department prepares to act against Government of Guatemala for inaction.
December 21	Charge' meets with presidential spokesman to express concerns over lack of progress and cover-up. Charge' mentions that State Department would announce an immediate suspension of assistance to Guatemalan armed forces.
1991	
January 6	Jorge Serrano elected President. Stroock and ██████ discuss DeVine case with Serrano and tell him the Military was involved in the killing and the MOD is blocking the investigation. Serrano is told DeVine case is an important human rights issue.
Late January	Stroock gives Serrano five human rights-related benchmarks to complete before military aid can be restored--first condition is substantial movement on the DeVine case.
March 8	Embassy reports military detainees issued sworn statements implicating Colonel Gomez and Captain Contreras as ordering DeVine's kidnapping and death. Sworn statements indicated personnel left Santa Elena on June 6; lodged at Kaibil base; June 7th surveilled DeVine farm; June 8th picked-up DeVine; killed DeVine approximately 5:30 p.m.; returned to Santa Elena about 9:00 p.m. June 8.

April [REDACTED]	Station reports [REDACTED] D-2 sought to obtain rifles stolen by deserters. Cols. Garcia and Portillo were higher officers in charge of the operation and Contreras was directly in charge. NCOs and soldiers were assigned to locate and interrogate DeVine and to return the weapons. DeVine refused to answer questions and was killed by an NCO. Military believed the situation had gotten out of hand.
April [REDACTED]	[REDACTED] that DeVine case was holding up economic assistance money.
April [REDACTED]	[REDACTED] on DeVine's killing. [REDACTED] contains no information that would incriminate the Military.
Late May	Contreras and five NCOs are arrested.
May 31	Embassy reports the military prosecutor stated that Alpirez wished to declare the seven member death squad were given food and lodging on June 6 - 7.
June 8	[REDACTED] cable reports that Contreras was acquitted.
June 25	[REDACTED] cable reports [REDACTED] who reported observing personnel, the pickup truck, surveillance of DeVine, threats to witnesses.
July [REDACTED]	[REDACTED] a copy of the police/forensic report on DeVine case.
August [REDACTED]	Station reports information from [REDACTED] that DeVine was killed by enlisted personnel who carried out their mission in an inappropriately hostile manner. Senior military officers feared the USG would react angrily and thought it would be best to "stonewall."
September 30	Embassy reports Contreras released, Portillo and Garcia not detained.
October [REDACTED]	[REDACTED] MOD Mendoza considers defending the Army as an institution as his main mission.
October [REDACTED]	Station reports information [REDACTED] that Alpirez was present at the interrogation of DeVine, and that DeVine died of suffocation or heart failure during interrogation. Report also [REDACTED] who commented derogatorily on Alpirez's character and behavior.
[REDACTED]	[REDACTED]

Mid-Late October	Station and Hqs discuss inconsistencies in accounts of DeVine's death [REDACTED]
November 18-19	Allegations [REDACTED] discussed with DoJ and crimes report sent by General Counsel to DoJ.
December 21	[REDACTED] Serrano relieved MOD Mendoza for failing to resolve the DeVine case and for blocking investigation of cases involving U.S. citizens.
December [REDACTED]	Charge, [REDACTED] and [REDACTED] meet with new MOD Samayoa--state that United States wants justice.
1992	
Mid January	Local newspaper reports that Court of Appeals ruled there was sufficient evidence to order the arrest of Contreras.
March 4	Embassy reports Consul General and [REDACTED] met with Army COS and discussed what would resolve case, including Alpirez's testimony.
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
March 25	Embassy reports Stroock learned from MOD that a new internal investigation had begun and that Alpirez had produced a revised version of events.
April [REDACTED]	[REDACTED] that DeVine case is one of those "less significant" to Guatemalan military interests and military should allow prosecution.
[REDACTED]	[REDACTED]
May 19	[REDACTED] brief SSCI staffers [REDACTED] [REDACTED] SSCI is told Contreras responsible for DeVine killing but Agency uncertain of details.

June 26	[redacted] of SSCI meet with Agency officers. C/LA explains DeVine died under interrogation, D-2 stonewalled, and military personnel are being tried.
[redacted]	[redacted]
[redacted]	[redacted]
September 29	Embassy reports Stroock told Attorney General it is important Alpirez be prosecuted for the cover-up. Attorney General indicates Contreras was acquitted and six enlisted men were found guilty.
[redacted]	[redacted]
1993	
[redacted]	[redacted]
May 11	Appeals court confirms the convictions of Contreras and six enlisted men. Contreras escapes.
May [redacted]	[redacted] that Contreras [redacted] after picking up DeVine, the General Staff were queried. Response: "Do what it takes to resolve the situation."
May 24/25	President Serrano coup fails.
Early-June	Human Rights Ombudsman De Leon elected President.
1994	
Mid- March	[redacted] MOD stated to military officers that he considered DeVine case closed.
[redacted]	[redacted]
[redacted]	[redacted]

1995

January 25

Bamaca Report triggers NSC meetings where Agency reports [REDACTED] and October 1991 allegations of his presence at DeVine interrogation.

February 3

Agency briefs SSCI and HPSCI concerning Alpirez, DeVine, Bamaca.

February [REDACTED]

Station reports Ambassador McAfee had approached Station requesting document that had circulated in State Department that linked Alpirez to DeVine's killing. [REDACTED] The next day, Hqs faxes a copy of the October 1991 information alleging Alpirez's presence at DeVine killing for Station to share with McAfee.

April [REDACTED]

Station reports rumors that Contreras is in Guatemala and that D-2 has ordered him killed. McAfee has [REDACTED] meet with [REDACTED] and relay the consequences should such a thing happen.

April [REDACTED]

Hqs sends cable regarding NSC directive to preserve records relevant to DeVine and Bamaca.

April 5

ADCI testifies to SSCI on Guatemala in open session.

March/April

[REDACTED] express concern over their safety and question the advisability of meeting with Station officers.

May [REDACTED]

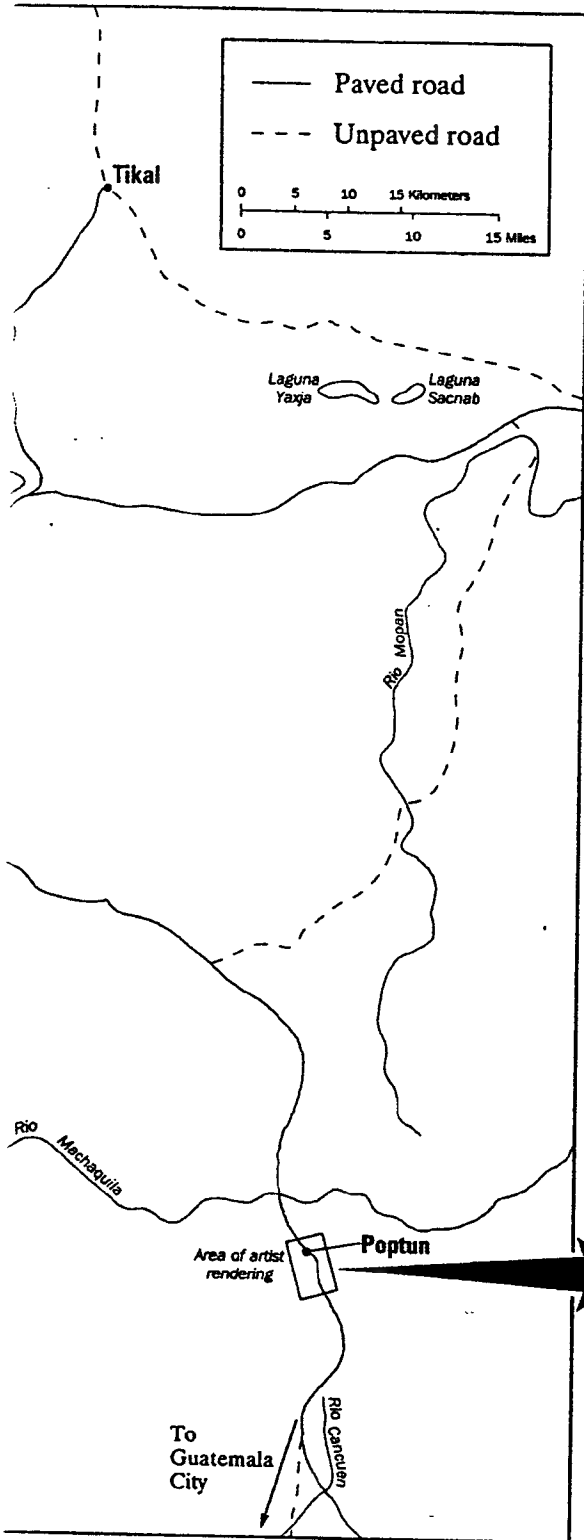
[REDACTED] believes Army is ready to give up Garcia.

May [REDACTED]

[REDACTED] allegedly implicates Garcia as having ordered the killing of DeVine and shows Alpirez as protesting, but ultimately going along with the cover-up.

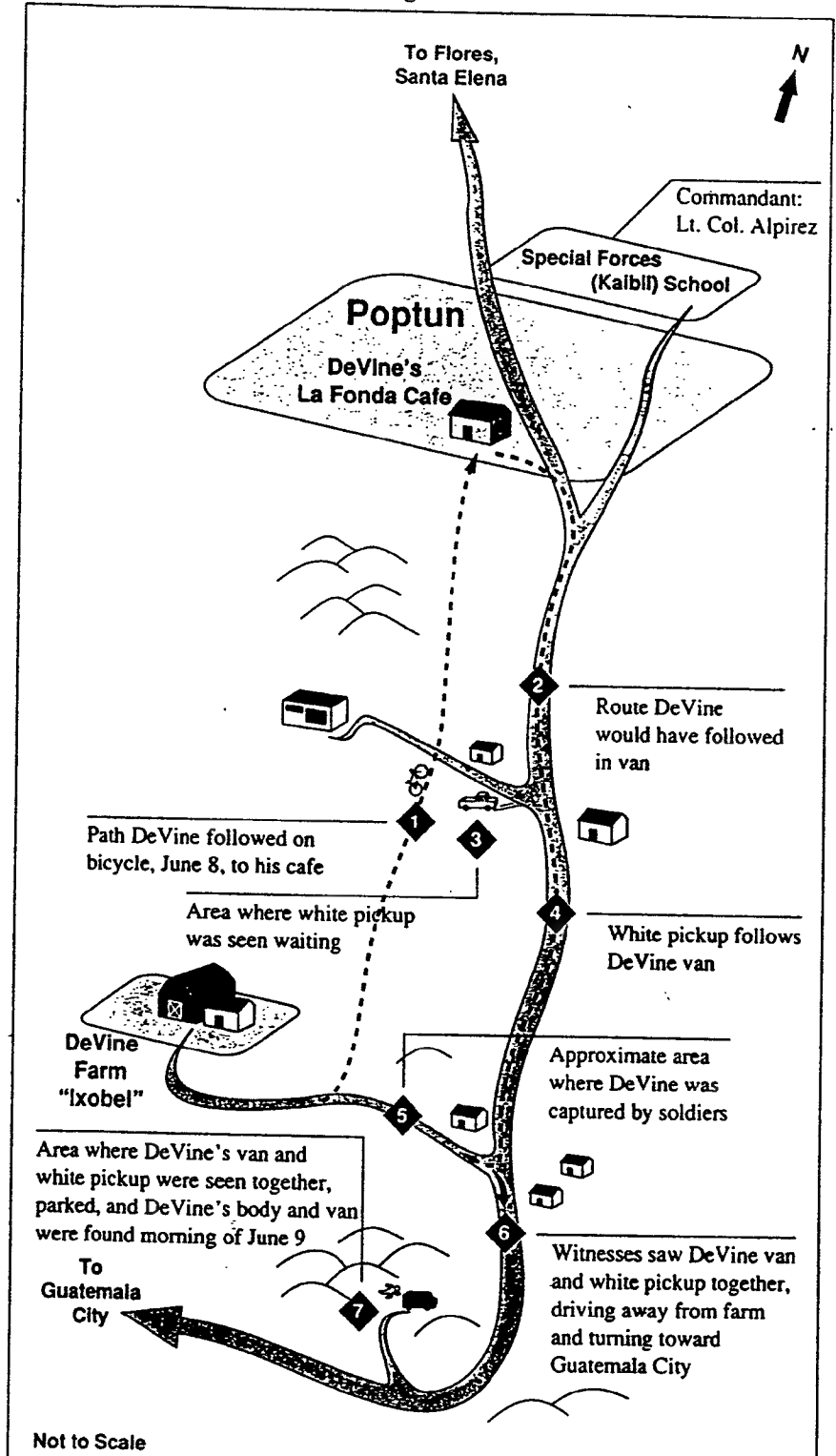
May [REDACTED]

Station reports [REDACTED] opinion that mid-level officers believe Alpirez and Garcia will be sacrificed by the MOD.



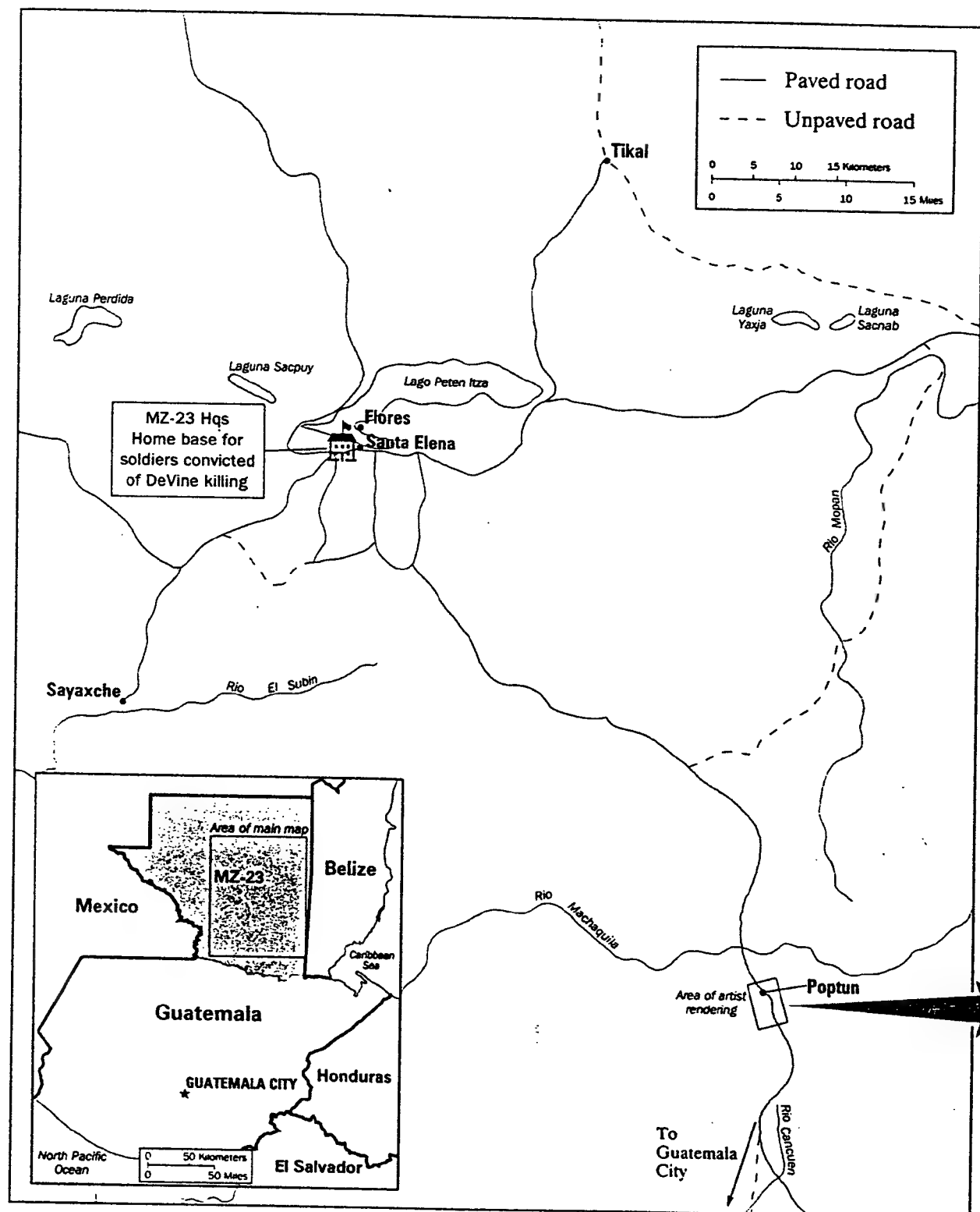
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Order of Events—DeVine Killing



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DeVine—Key Events and Locations



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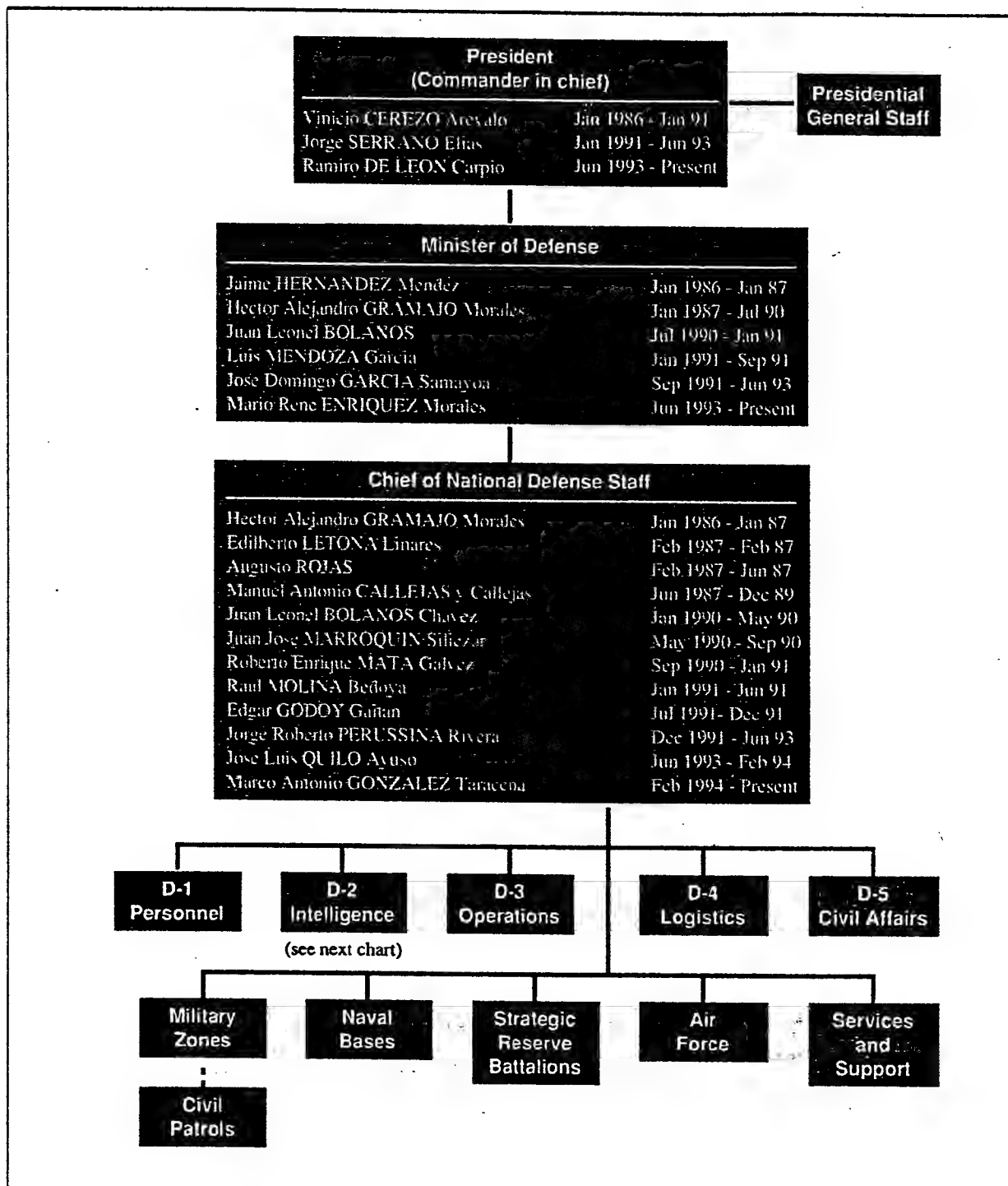
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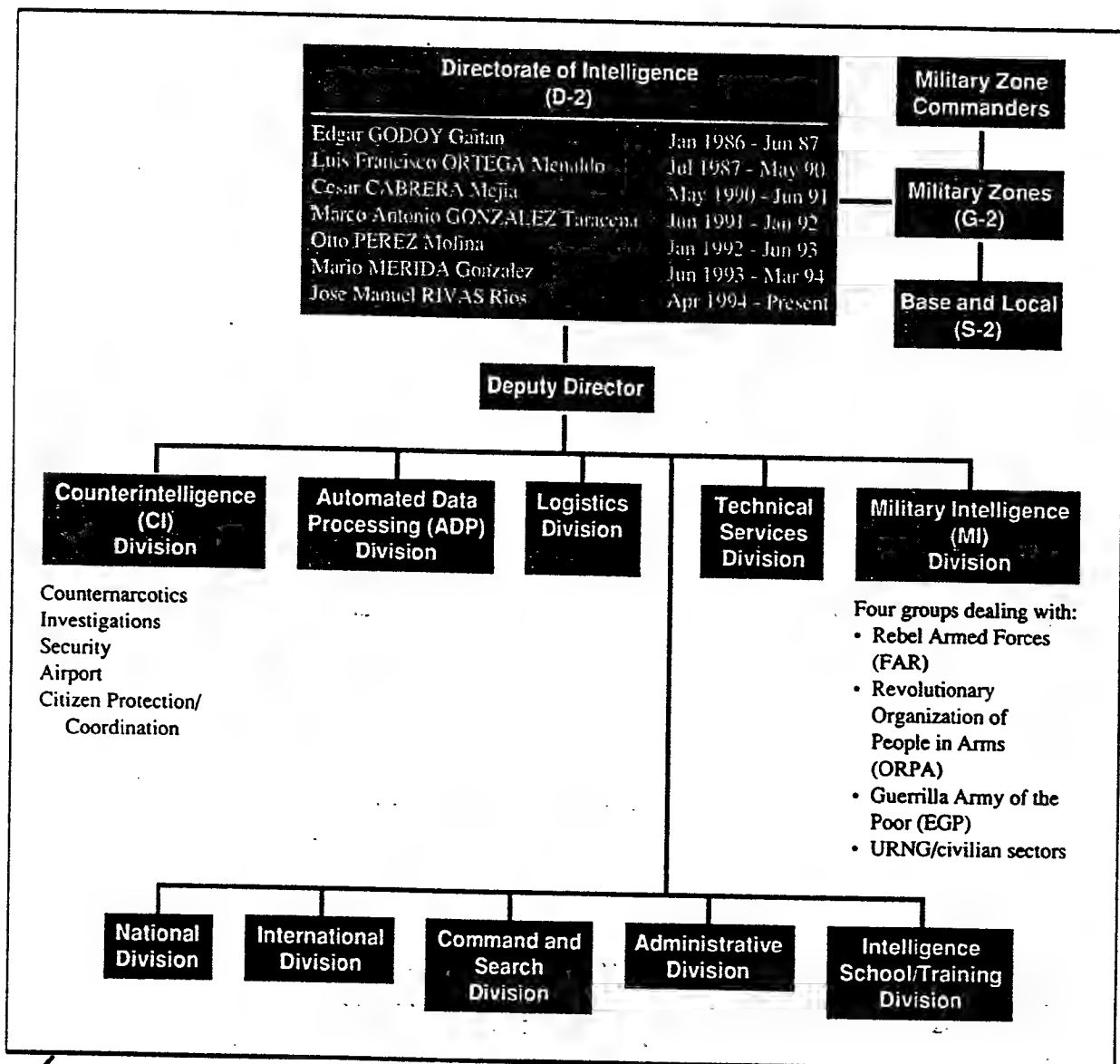
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Secret

Guatemalan Military Structure and Key Personalities



Guatemalan Directorate of Intelligence (D-2) Structure and Leadership



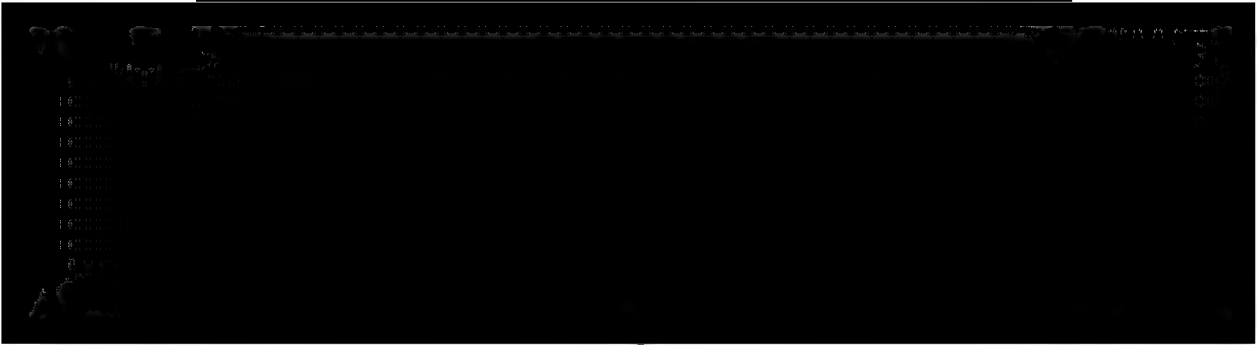
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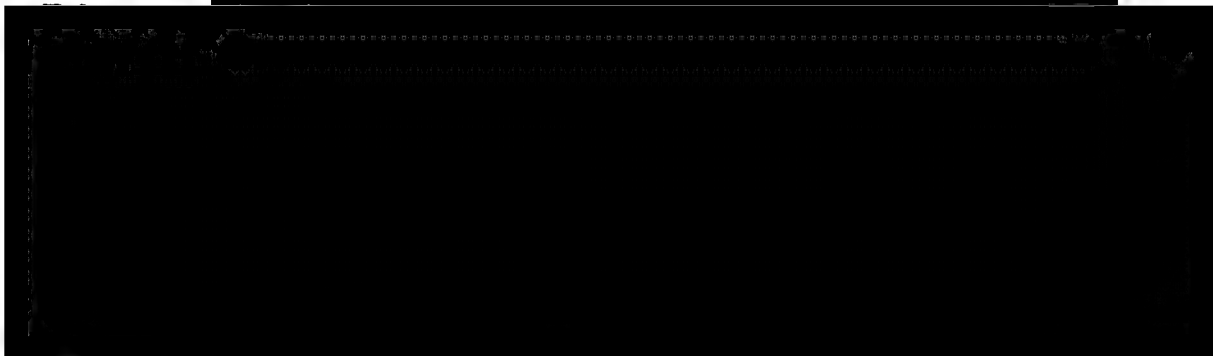
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WHAT INFORMATION WAS AVAILABLE TO THE CIA BETWEEN FEBRUARY 1995 AND MAY 18, 1995 CONCERNING DEVINE'S KILLING? WHEN DID IT BECOME AVAILABLE AND HOW WAS IT HANDLED? HOW RELIABLE WERE THE AGENCY SOURCES FROM WHOM THE INFORMATION WAS ACQUIRED?

201. [REDACTED]



202. [REDACTED]



⁸ Myrna Mack was killed on September 11, 1990.

203. On February [REDACTED] 1995 the Station sent an Immediate cable to Headquarters asking for assistance in locating a memorandum regarding the DeVine case. Ambassador McAfee had come to the Station and said that an October 30, 1991 CIA "memo" was circulating in the State Department that somehow linked Alpirez to DeVine's killing. According to the Station, McAfee said she was unaware of the existence of the document [REDACTED]

[REDACTED] officer was uncertain what this document might be and told McAfee that, if it were a 1991 document, it was likely that the Station had held it a year or two and then destroyed it due to space constraints. On February [REDACTED] Headquarters responded, faxed a copy of the October 30, 1991 dissemination in question--the report that Alpirez had been present at the interrogation when DeVine was killed--to the Station and stated that it could be shared with McAfee, "just as it was with her predecessor."

204. [REDACTED]

205. [REDACTED]

206. April [REDACTED] 1995 Station Report. On April [REDACTED] 1995, the Station reported that [REDACTED] had learned [REDACTED] that rumors were circulating in the Army that Contreras had returned to Guatemala from

Venezuela, and that the D-2 had put out an order to have him killed if he were found. [REDACTED]

Ambassador McAfee requested that [REDACTED]

[REDACTED] advise him of this information, and warn him regarding the impact on U.S.-Guatemala relations should any harm befall Contreras in Guatemala.

207. April [REDACTED] 1995 Station Report. [REDACTED]

[REDACTED]

[REDACTED] that under no circumstances would the D-2 order him killed, and that the Guatemalan Government would welcome Contreras' return in order to facilitate clarification and resolution of the DeVine murder case to the satisfaction of all parties. [REDACTED]

[REDACTED]

208. [REDACTED]

[REDACTED]

209. April [REDACTED] 1995 Instruction to Preserve Station Records. On April [REDACTED] 1995, the Agency's DO advised [REDACTED] of a National Security Council directive that stated:

In light of the Administration's ongoing review of the events surrounding the deaths of Michael DeVine and Efrain Bamaca in Guatemala, as well as any related matters, your Agency, and all relevant subordinate components, are directed to preserve any Agency records that may contain any information relevant to this review.

210. [REDACTED]

[REDACTED]

211. [REDACTED]

[REDACTED]

[REDACTED]

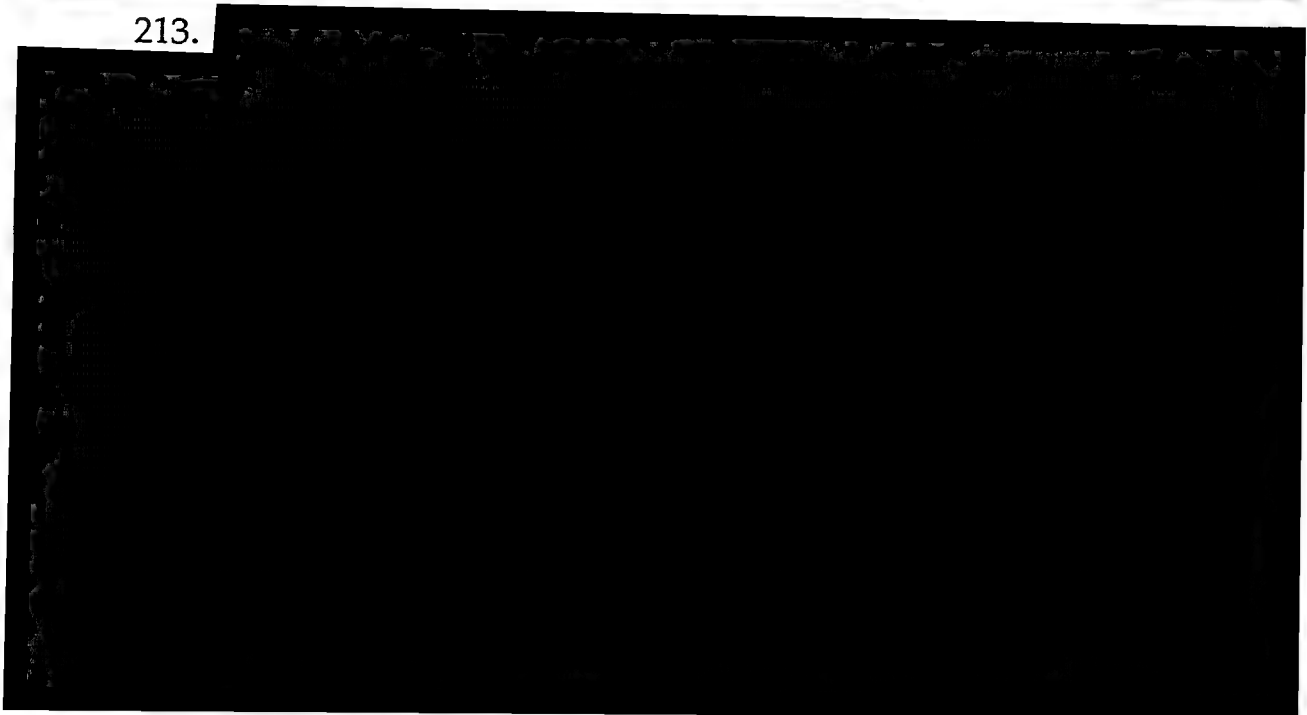
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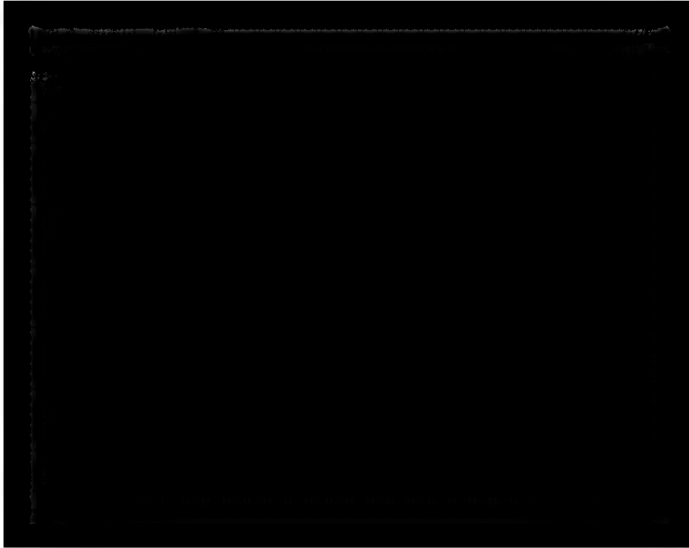
213.



214.



215. [REDACTED]



216. [REDACTED]



217. [REDACTED]

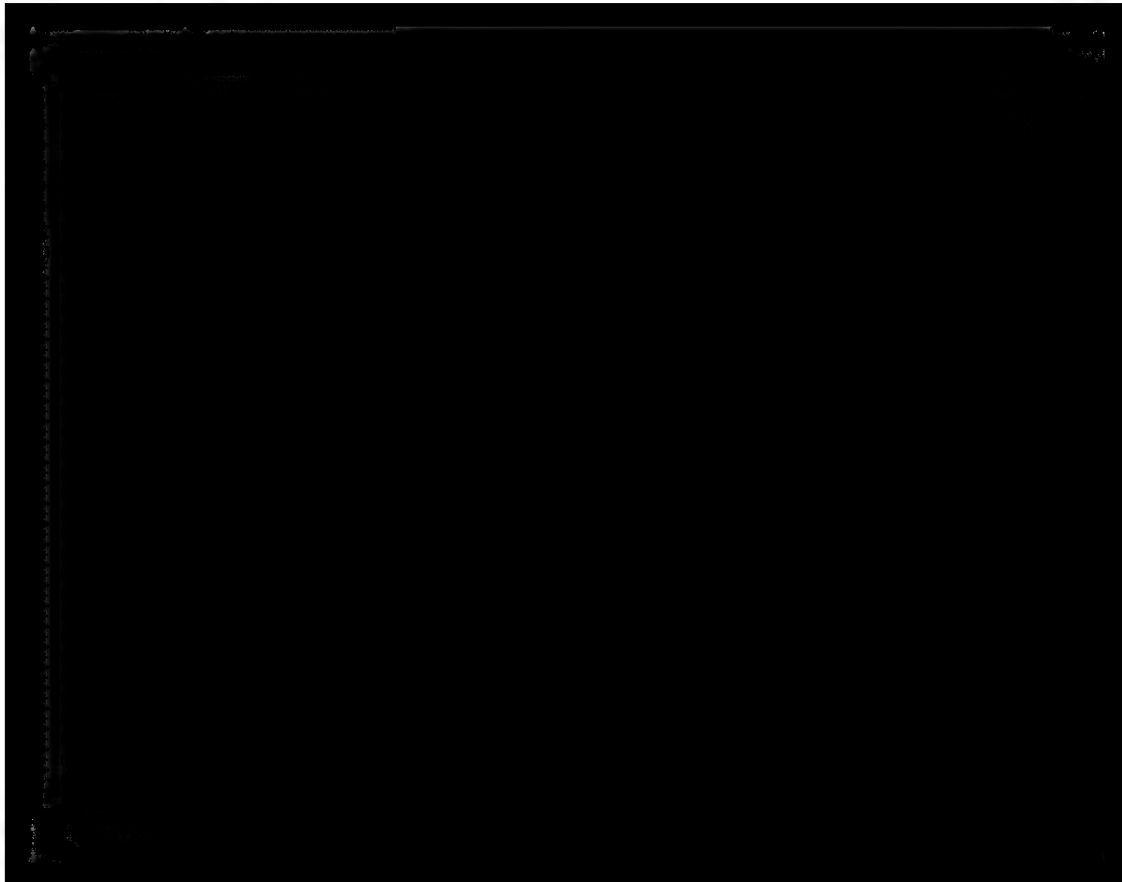
[REDACTED] the Guatemalan Army was preparing to suspend Colonels Alpirez and Garcia Catalan until a judicial investigation either cleared their names in connection with the DeVine killing or found proof against them, in which case they would be disciplined. [REDACTED] this decision would cause strong discontent among Army officers and could further destabilize the De Leon government. [REDACTED] the crisis resulting from the Devine/Bamaca/Alpirez affair, combined with the confrontation between De Leon and the private sector over tax reforms,

had left the presidency weakened and subject to coup plotting.
[REDACTED] morale was at a low ebb due to the
distancing of ties by the U.S. Government, traditionally seen as
Guatemala's strongest ally, [REDACTED]



[REDACTED] other friendly
governments were moving in to fill the vacuum left by the United States,
[REDACTED]

218. [REDACTED]



[REDACTED]

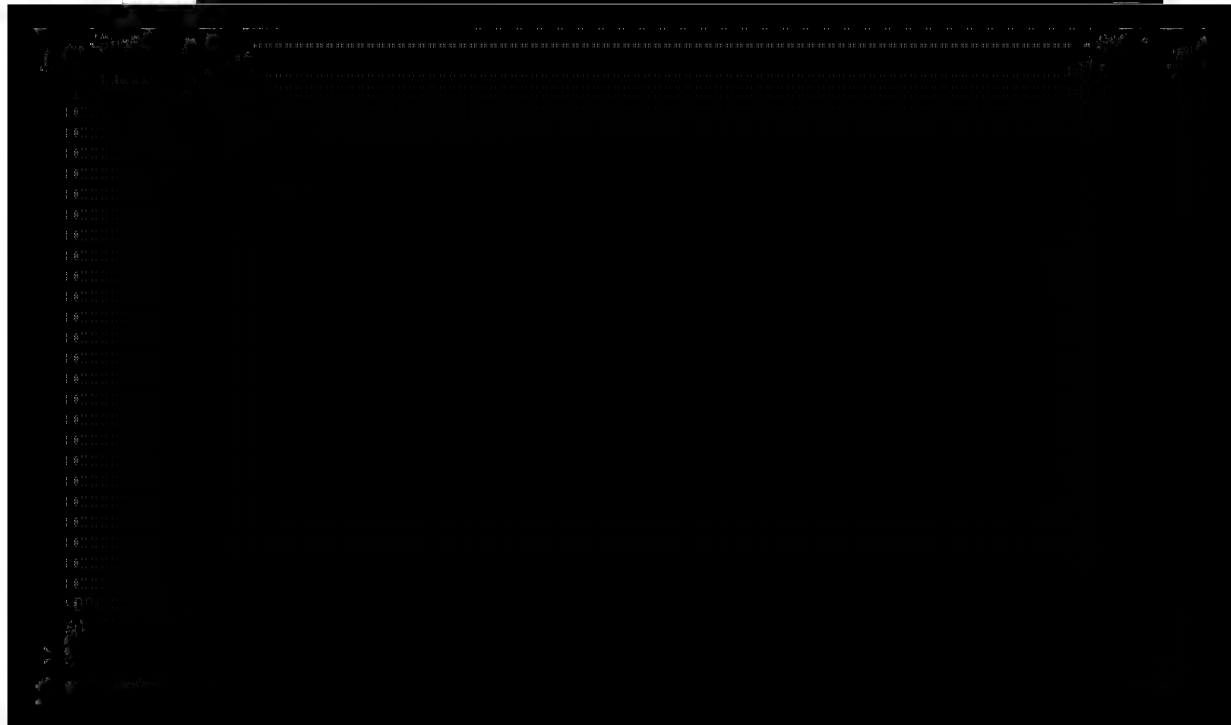
219. April 26, 1995 Embassy Report. An April 26, 1995 State Department telegram informed the Embassy in Guatemala of a meeting that day between Guatemalan Ambassador Mulet and ARA/Central Director John Hamilton, who had called the meeting to ask Ambassador Mulet why Guatemalan Army COS Gonzalez Taracena had earlier sought an appointment with Assistant Secretary Alex Watson. The telegram reported comments Mulet made relevant to the DeVine case. Mulet stated that he had spoken with Alpirez during Mulet's last visit to Guatemala, and that Alpirez had freely admitted that he participated in a massive cover-up of military involvement in the DeVine killing that had been centrally organized by [REDACTED]

[REDACTED] The telegram further stated, in part:

4. Alpirez's key interview with [REDACTED] had been held in a secure interviewing booth of Military Intelligence at the National Palace in January or February 1991, when the case against the enlisted men and Captain Contreras was about to go to trial. Alpirez had made a tape of the interview, apparently with [REDACTED] consent. Alpirez has the tape still, played it for Mulet, has played it for President De Leon as well. The tape apparently puts Alpirez in a relatively favorable light, protesting the coverup as unsustainable. [REDACTED] reportedly expresses understanding but takes the line that he and Alpirez are both under orders from [REDACTED] to limit the damage to the Military from the DeVine case. Mulet additionally said that Alpirez told him that he, Alpirez, is receiving anonymous threats to remain silent; said he would be willing to make his information available to the USG if the U.S. would grant "asylum" or otherwise assure his safety.
5. Mulet said President De Leon and his advisers are working now on a speech tentatively scheduled for the evening of April 27 [1995] in which the President will announce steps he is taking on the Bamaca and DeVine cases. As of now, the key step is the administrative suspension of Colonels Alpirez and Garcia Catalan while new investigations are underway. (As a sidebar, Mulet said scuttlebutt in military circles in Guatemala is that the order came directly from then Chief of Military Intelligence Colonel "Nito" Cabrera.) As presently drafted, De Leon's speech reportedly will hew to the [Guatemalan Government's] position on the Bamaca case, i.e., that the case should be investigated by the Historical Clarification Commission.

6. Mulet further said that Army COS Gonzalez Taracena heads sentiment within the Military for full disclosure of the DeVine coverup. MOD Enriquez reportedly opposes disclosure and the issue is not yet resolved. Mulet mentioned Colonels Otto Noak [sic] of the Presidential Military Staff and Letona (his Military Attaché) as among those favoring disclosure. They in turn reportedly feel that there is substantial sentiment within the Army for full disclosure in the DeVine case. The Army position on the Bamaca case, in contrast, is reportedly solidly in favor of referring it to the Historical Clarification Commission.

220. [REDACTED]



221. April 27, 1995 Embassy Report. A State Department telegram on April 27 informed the Embassy that Assistant Secretary Watson had contacted President De Leon by telephone that evening to urge De Leon "to announce even more dramatic and bold action [than planned] in his speech to the nation." Concerning the DeVine case, Watson's points were:

- ♦ Make clear in your speech your belief that there was a failure to assign higher level responsibility in the DeVine case and your determination both to disclose

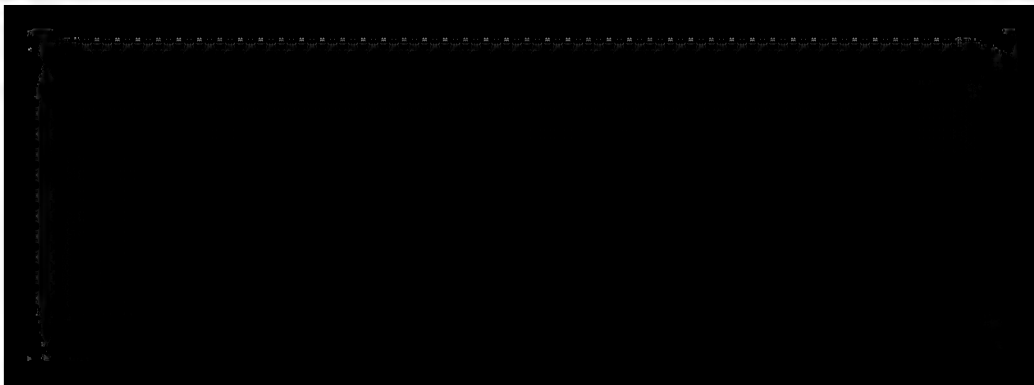
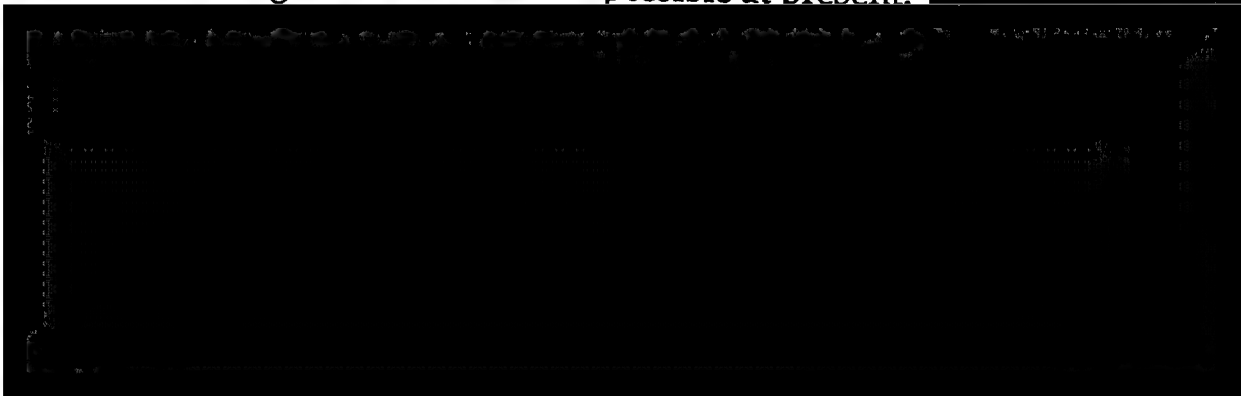
that failure fully and to take appropriate legal action against those who perjured themselves or otherwise sought to obstruct justice;

- ♦ make it clear that legal action will also be taken against any individuals found to have responsibility for ordering the murder of DeVine; and
- ♦ reiterate your government's commitment to the reappréhension of Captain Contreras and his return to prison.

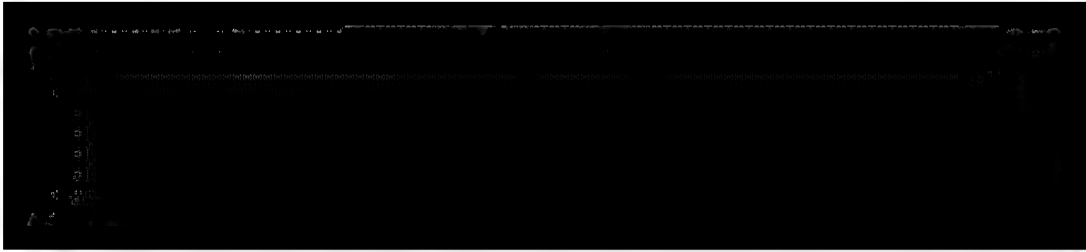
222. [REDACTED]

[REDACTED] De Leon's plan to send a small delegation to Washington to conduct informal discussions with senior U.S. administration officials and congressional representatives regarding the DeVine case and other human rights cases.

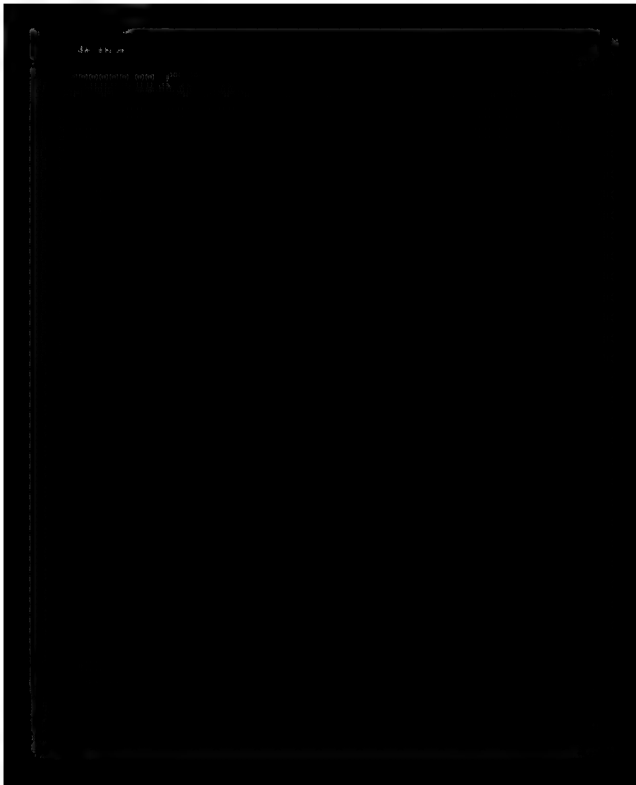
[REDACTED] De Leon believed that an in-depth investigation and punishment of the individuals involved in DeVine's killing could be carried out at some future date, possibly after the peace agreement is signed, but it was not possible at present. [REDACTED]



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223.



224.



225. In late April 1995, several senior Guatemalan officials and military officers, including Otto Noack, were in Washington on missions

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for President De Leon and met at the Guatemalan Embassy with Ambassador Mulet and one or more other Embassy officers. During that meeting, Alpirez and his relationship to the DeVine and Bamaca cases were discussed. [REDACTED]

226. [REDACTED]

227. [REDACTED]

228. [REDACTED]

229. May 5, 1995 DAO Report. A May 5, 1995 [REDACTED] provided reporting [REDACTED] on the alleged existence of a tape or tapes recorded by Alpirez concerning the cover-up of military involvement in Devine's killing. The reports varied about who was involved in the killing and who ordered the cover-up, but the overall theme was that Alpirez had sent copies of the tapes out of the country, to Washington, Los Angeles and elsewhere for his own protection.

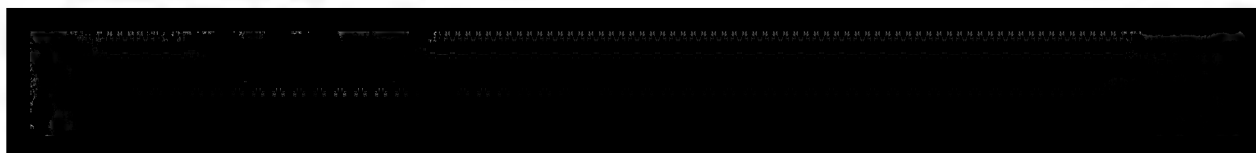
230. May 5, 1995 LA Division Report. According to a May 5, 1995 "Spot Report" prepared by the Agency's LA Division, several reports had been received—from State, [REDACTED] [REDACTED]—alluding to the existence of a tape that appeared to exonerate Alpirez of the DeVine killing but implicated him in the subsequent cover-up. It was believed, according to this LA Division report, that Alpirez taped a meeting in January/February 1991 conducted by D-2 legal counsel Monroy Espana, in which Monroy orchestrated the cover-up by coaching some 20 Army officers on what to tell investigators in the DeVine case. Monroy was reportedly acting on orders of then-MOD Mendoza. The tape was believed to indicate that Alpirez protested the cover-up as unsustainable, but in the end grudgingly acceded to it. Garcia Catalan was allegedly identified as having ordered the killing.

The tape reportedly has been heard by the current Guatemalan President and MOD.⁹

231.



232.



[REDACTED]

233. May [REDACTED] 1995 Intelligence Report. [REDACTED]

[REDACTED]

[REDACTED] that Contreras did not kill DeVine, but that one of the soldiers under his command did.

[REDACTED] that Alpirez did not know about the killing of DeVine until after the fact, and that he was ordered by senior officers to assist in the cover-up. [REDACTED]

[REDACTED]

234. [REDACTED]

[REDACTED]

1. [REDACTED] said that it is his belief, [REDACTED] that the Guatemalan Ministry of Defense is searching for a sacrificial lamb in an effort to resolve the human rights case of Michael DeVine . . . [REDACTED] believe that Colonel Julio Roberto Alpirez, and to a lesser extent Colonel Mario Roberto Garcia Catalan are the scapegoats that are being offered up by the Guatemalan Ministry of Defense in an effort to protect retired senior officers, and bring an end to the current crisis. . . . [REDACTED] believe that Alpirez did not know about the killing of DeVine until after the fact, and that Alpirez only assisted in the cover-up of the murder on orders from more senior officers. [REDACTED]

[REDACTED] while many officers have mixed feelings toward Alpirez, most are extremely upset by the accusations levied against him. Officers are not divided on their view that Alpirez is being made a scapegoat, and only want the truth to be revealed.

[REDACTED] In addition, [REDACTED] stated that Captain Contreras did not kill DeVine. [REDACTED] Contreras told [REDACTED] that one of the Army specialists had performed the killing.

[REDACTED]

[illegible][illegible]

Table 1. Mean values of the variables measured during the 60-min test

[REDACTED] that Captain Contreras had been killed to keep him from revealing which senior officers were responsible for the June 1990 Devine killing. [REDACTED]

$$\left[\frac{1}{\sqrt{\pi}} \int_{-\infty}^{\infty} e^{-t^2} dt = 1 \right]$$

[REDACTED] believe that the order to proceed with the interrogation went all the way up the chain-of-command to include former Minister of Defense General Juan Leonel Bolanos Chavez, former Chief of the Directorate of Intelligence (D-2) Colonel Cesar Augusto "Nito" Cabrera Mejia, and former Chief of the Presidential Staff General Edgar Augusto Godoy Gaitan. [REDACTED] Contreras' later threats to former Chief of the National Defense Staff General Jorge Roberto Perussina Rivera to reveal this information if he had to serve time in prison may have forced senior officers [to] dispose of Contreras permanently.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] believe that senior officers are still attempting to protect the old retired officers that are truly responsible for ordering the interrogation of DeVine. While feelings among officers are mixed towards Alpirez, they believe that he is being offered up as a sacrificial lamb to protect others.

[REDACTED]

As you are probably aware, Alpirez is accused of participation in the murder of DeVine . . . Contreras was convicted of the crime in May 1993, but fled from captivity . . . In addition to this reported sighting of Contreras in Colombia (date unknown), [REDACTED] has reported a lead on Contreras in Venezuela. The Embassy here is anxious to see Contreras captured and returned to Guatemala, where his case is still pending appeals.

[REDACTED]

237.

[REDACTED]

A May [REDACTED] 1995 [REDACTED]

[REDACTED]

[REDACTED] requested any available information in addition to that provided by the [REDACTED] regarding the tape that Alpirez allegedly had evidencing a military cover-up. [REDACTED] had been tasked with determining whether the audio tapes really exist and had thus far been unable to do so. Guatemala City Station replied [REDACTED] summarizing briefly what the tapes supposedly contain regarding Alpirez's reluctant acquiescence to the cover-up Monroy was orchestrating, and that the cover-up was organized from the start by MOD Mendoza. The Station stated that it was not aware of any copies of the tape being in Embassy hands.

238. May [REDACTED] 1995 Station Report [REDACTED]

[REDACTED]

[REDACTED]

views on the current U.S.-Guatemala situation. [REDACTED] that one of the measures that could help get things back on track was Guatemalan Government progress on resolving the Bamaca/DeVine cases, such as finding and recapturing Contreras. [REDACTED]

[REDACTED]

239. May 13, 1995 [REDACTED] Report. In a May 13, 1995 cable, [REDACTED] reported information [REDACTED]

[REDACTED]

described Alpirez as feeling extremely pressured and nervous, and believing that the brunt of the accusations on the DeVine murder were being levied against him. Regarding Alpirez, the DAO cable stated:

[REDACTED] Col. Alpirez [REDACTED] is thinking of turning himself in and confessing to committing perjury and obstructing justice during the trial of the Army personnel who were convicted in the DeVine murder. He could then tell all he knows about the DeVine murder, and clear himself of the accusations that he ordered or was otherwise directly involved in the actual murder of Michael DeVine. He would also then implicate many Army officers, some retired and some still on active duty, in the cover-up as well. [REDACTED]

[REDACTED] the maximum penalty under Guatemalan law for perjury is five years in prison, which is commutable. Col. Alpirez believed a light sentence for perjury might be worth clearing his name of murder charges. [REDACTED] Col. Alpirez wavers a great deal in his thinking on this problem, and he may not actually take such a radical course of action.

240. May [REDACTED] 1995 Intelligence Report. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] that Garcia Catalan had only eight months remaining until retirement. The Army would support him with lawyers and other unspecified assistance until he retired, but that after that he would be on his own. [REDACTED] the Army was providing Garcia and Alpirez with four lawyers each and was assisting in arranging testimony from pertinent witnesses. [REDACTED]

[REDACTED] the Bamaca case was closed and should be taken up by the Historical Clarification Commission after a final peace agreement is signed with the Guatemalan insurgency. [REDACTED]

[REDACTED]

241. [REDACTED]

[REDACTED]

[REDACTED]

Occupants of Senior Guatemalan Positions

1987 1988 1989 1990 1991 1992 1993 1994 1995

President

Vinicio CERESO Arevalo Jorge SERRANO Elias Ramiro DE LEON Carpio

Minister of Defense

Hector Alejandro GRAMAJO Morales Jose Domingo GARCIA Samayoa Mario Rene ENRIQUEZ Martinez

D-2 Army Head

Edgar GODOY Galtan Cesar CABRERA Mejia Otto PEREZ Molina Jose Manuel RIVAS Rios
Luis Francisco ORTEGA Menaldo Marco Antonio GONZALEZ Taracena Mario MERIDA Gonzalez

Head of Center for Analysis ("Archivos") and predecessor organizations

Julio Roberto ALPIREZ Juan VALENCIA Osorio Rolando Augusto DIAZ Barrios Jose Maria ARGUE
Morris Eugenio DE LEON Gil Edgar Ricardo BUSTAMANTE Figueroa
The Department of Presidential Security Presidential Staff Center for Analysis In transition to civilian intelligence service

beaten up Guatemalan soldiers.

claimed to know from senior Guatemalan Army officers that Garcia Catalan was responsible for DeVine's killing and that the motive was almost certainly a combination of anger at DeVine's mistreatment of Guatemalan soldiers, suspected cultivation of marijuana, and rumored collaboration with insurgents. [REDACTED]

February 1991 he interviewed [REDACTED] [REDACTED] recalls that in [REDACTED] an individual who was suspected of involvement in the DeVine killing at the time. [REDACTED] told him that his fellow prisoner [REDACTED] confided to [REDACTED] that he had been present at a conversation between Alpirez and Joaquin Alfaro Avelar on June 6, 1990 at the Kaibil Base. Alfaro was the senior enlisted man in charge of the group that was ultimately convicted of DeVine's killing. Alpirez told Alfaro not to kill DeVine because he was a "gringo." Alfaro informed Alpirez that he had his orders, to which Alpirez replied something to the effect, "Okay, but if you are going to do it, don't bring him here because I don't want to have your problems."

244. October [REDACTED] 1991 Intelligence Report. By placing DeVine's killing at the Kaibil base, with both Alpirez and Contreras at the scene, this report was significantly at odds with the bulk of evidence assembled by [REDACTED] Headquarters raised questions about the report when it was submitted by the Station [REDACTED] The Station's [REDACTED] response, a strong condemnation of Alpirez, is puzzling in several ways. First of all, no "documented fact" has been found that Alpirez hid his

involvement in the DeVine killing. [REDACTED]

[REDACTED] also places Contreras at the scene and states that he was responsible for DeVine's death. All other accounts that involve Contreras in the killing place him in Flores, having sent the team to Poptun. [REDACTED] only [REDACTED] spoke of Alpirez's "erratic and bizarre" character and personality, and there is neither documentation nor prior reporting to support this statement.

245. [REDACTED]

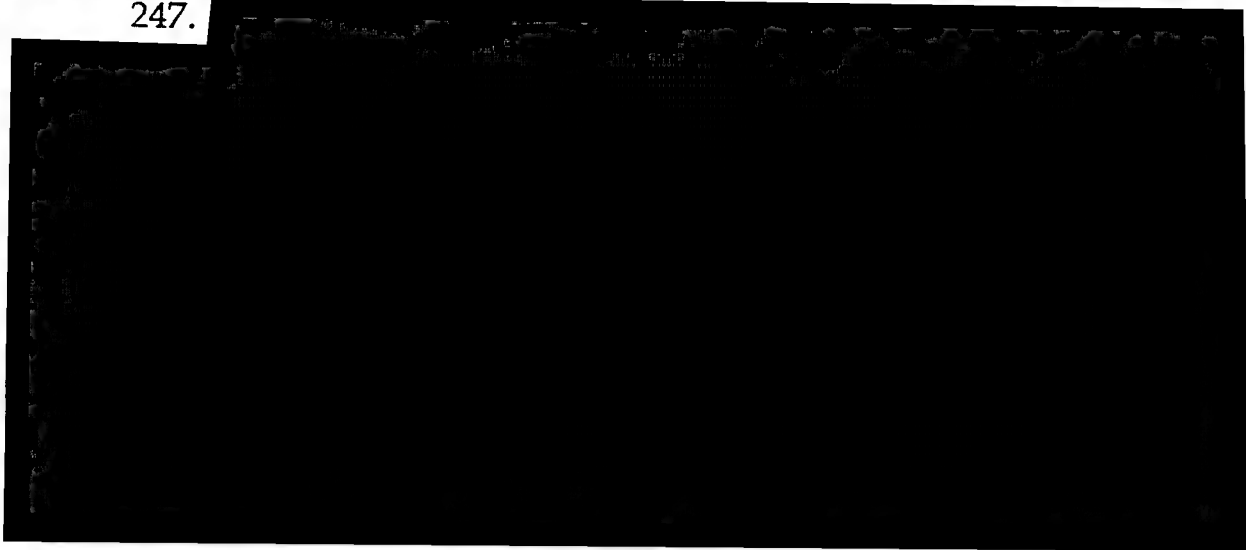
[REDACTED] Neither the Station nor Headquarters appears to have considered the obvious question of why Alpirez, if his intention were to shield his own involvement, [REDACTED] that the military was involved in the killing and would have later been the only military member to step forward and offer to make a similar sworn statement to the military court rather than to participate in the cover-up. His subsequent refusal to say anything may reasonably be attributed to his being subject to direct orders not to testify or risk losing his military career and, perhaps, his life.

246. [REDACTED]

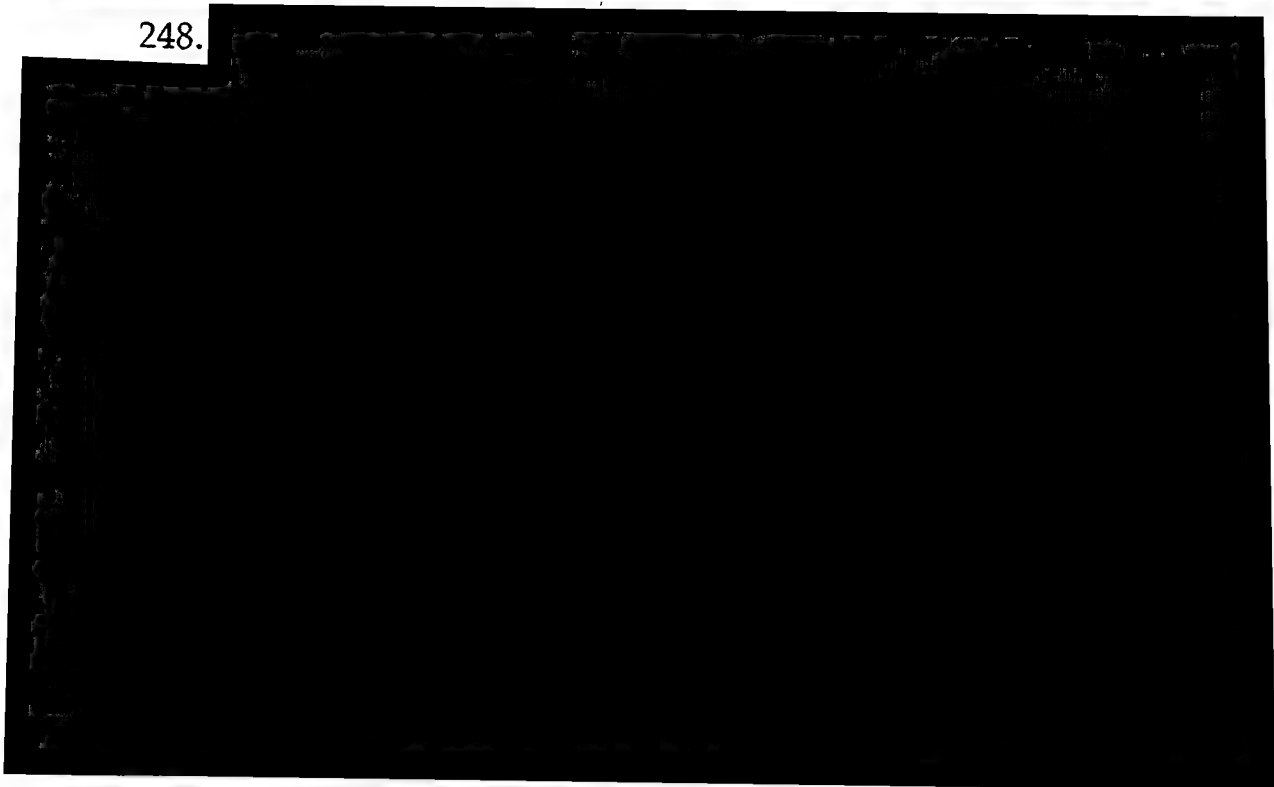
[REDACTED]



247.

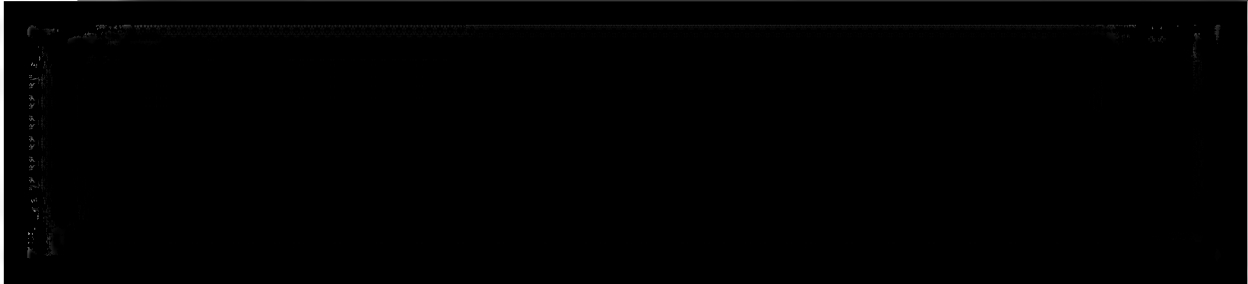
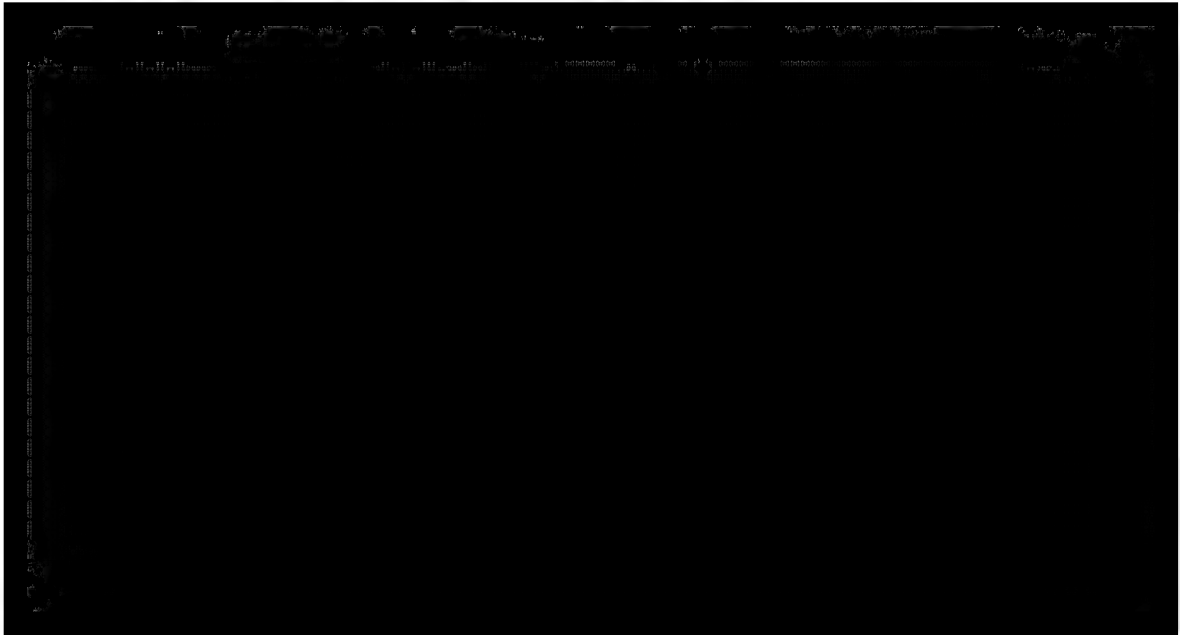
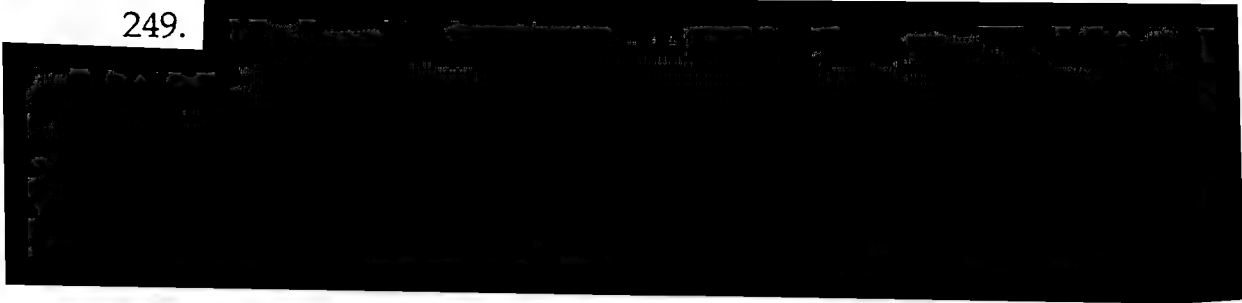


248.

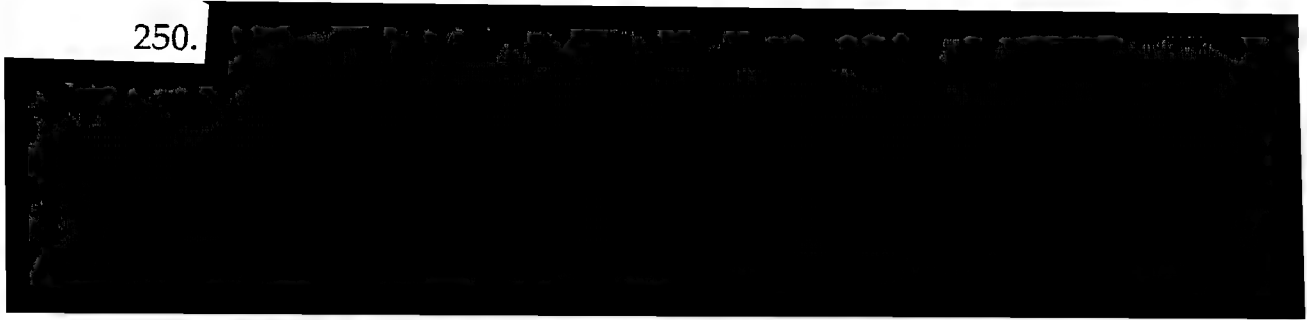


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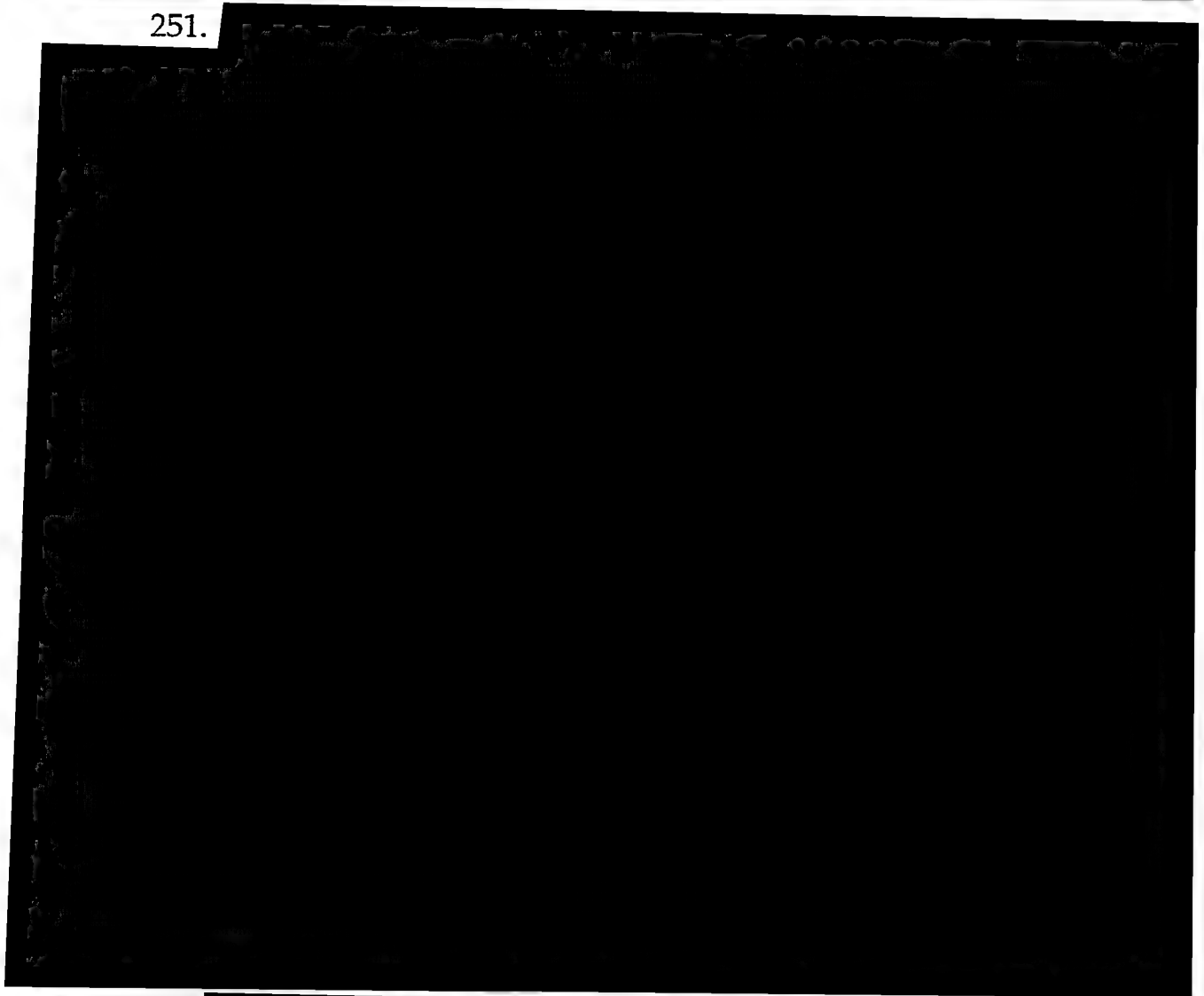
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250.



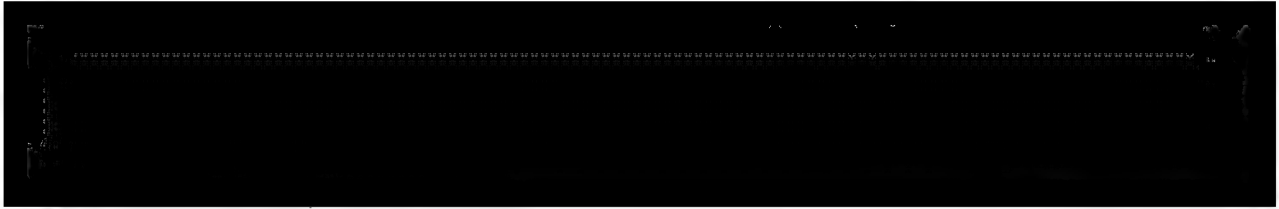
251.



252.



~~SECRET~~



253.





254.



255.






256. Finally, the official death certificate and  investigation reports provide strong support to the theory that DeVine had died because of the neck wound, not by suffocation. According to an OMS physician, the near-total loss of blood (hipovolemic shock) reported in the death certificate would not have occurred if DeVine had not been alive when his neck was nearly severed.

DID THE CIA MEET ITS RESPONSIBILITY FOR COLLECTION OF INFORMATION PERTAINING TO THE DEVINE KILLING? WAS ANY OF THIS INFORMATION IMPROPERLY SUPPRESSED?

257. There is no statute, executive order or Agency regulation that requires the Agency to collect and report on human rights violations such as the DeVine killing.



The extent to which the Guatemala City Station met its responsibilities for collecting information regarding the DeVine killing can be assessed by reviewing Station reporting through the four major phases of the case; (i) Pre-Killing, (ii) Post-Killing, (iii) Investigation and Trial, and (iv) Post-Trial.

258. Pre-Killing. No evidence has been found to indicate that the Station or Agency had any information pertaining to DeVine, his activities, or any human rights abuses threatened or planned to be directed against him prior to his killing in June 1990.

259. Post-Killing. Station reporting began in mid-August 1990 [REDACTED] of events relating to DeVine's killing. [REDACTED] August [REDACTED] 1990, the Station reported to Headquarters [REDACTED] possible Guatemalan military involvement in DeVine's killing and the military cover-up. [REDACTED]

260. [REDACTED] August [REDACTED] 1990, Headquarters overrode the Station's proposed delay [REDACTED] and instructed the Station to brief Stroock promptly on the information [REDACTED] concerning the DeVine killing and cover-up. Headquarters also instructed the Station to resubmit the report in a different format and noted its desire to provide the information to the Assistant Secretary for State for Latin America as quickly as possible. This clearly indicated Headquarters's recognition of the importance of the DeVine case. On August 25, Headquarters informed the Station that the information had been disseminated and that DAS for Latin America Sullivan had been hand-delivered a copy.

261. Primarily due to the human rights issue raised by the possible Guatemalan military connection to DeVine's killing, Station officers were tasked to obtain additional details about the killing and the Guatemalan Government's investigation into it. [REDACTED]

262. In mid-September 1990, [REDACTED] a request for information on [REDACTED] anti-U.S. sentiments relating to the DeVine case. From this time forward, [REDACTED] priorities included details of DeVine's killing and related reactions of Guatemalan Government officials. [REDACTED]

[REDACTED] the Guatemalans had

increased restrictions on U.S. Embassy officials' access to military facilities.

263. In October 1990, the Station reported that [REDACTED] military personnel had been arrested for the killing. [REDACTED] that the perpetrators had acted without orders, perhaps became involved in a fight, and then killed DeVine. [REDACTED]

[REDACTED] received no instructions to pursue an investigation into DeVine's death. This information provided part of the justification for the U.S. Government's termination of military aid to Guatemala in December 1990.

264. During this period, between August 1990 and January 1991, the Station acquired significant information concerning the DeVine killing and Guatemalan Government efforts to manage the resulting pressure from the U.S. Government. This information was appropriately disseminated and served as part of the basis for the U.S. Government's action against the Guatemalan military.

265. Investigation and Trial. This phase spanned 1991-92. Station reporting in 1991 indicates that additional details were obtained by the Station regarding: 1) the circumstances of DeVine's killing; 2) the Guatemalan Government's investigation; and 3) the "cover-up."

266. [REDACTED]

[REDACTED]

267. On October [REDACTED] 1991, the Station reported that [REDACTED] Alpirez was present during the [REDACTED]

interrogation of DeVine. This report also included information from [REDACTED] that Alpirez was violent, had killed guerrilla prisoners and was behaving erratically.

268. On October 23, 1991, Headquarters requested the Station's evaluation of the conflicting reporting regarding DeVine's killing and stressed the continued importance of reporting on human rights violations. Although the Station indicated its intent to pursue further questions [REDACTED] regarding the allegations about Alpirez, it appears that no such effort was made. Similarly, it appears that the Station did not further explore the validity of the derogatory comments made [REDACTED] regarding Alpirez's character and behavior. The reasons for these lapses have not been determined.

269. In 1992, the Station continued to task [REDACTED] for information pertaining to DeVine's killing as well as Guatemalan Government efforts to investigate and prosecute those responsible. The Station also collected information regarding the Guatemalan Government's reaction to U.S. pressure to resolve the DeVine case. [REDACTED] to obtain information on the status of the DeVine case. [REDACTED] the Guatemalan Attorney General had stated that the Military should allow prosecution in cases of lesser military significance, such as the DeVine killing.

270. [REDACTED]

[REDACTED] In September, the Station reported on the results of the trial of those accused of DeVine's killing [REDACTED]

[REDACTED] a decline in the importance of the DeVine case within the Guatemalan Government. [REDACTED]

271. In sum, throughout 1991-92, Headquarters and the Station made sustained efforts to obtain information related to DeVine's killing. Information that was collected regarding the DeVine killing was promptly reported and, if considered significant and relevant, was

disseminated to additional intelligence consumers. Information alleging that Alpirez was present at DeVine's interrogation was referred directly to the FBI and the DoJ.

272. Intelligence collected by the Station during this period contributed to the U.S. Government's position regarding the DeVine killing and the Guatemalan Government's efforts to resolve the case. However, the Station failed to collect additional information regarding the accuracy of the allegations that Alpirez had been involved in DeVine's interrogation and about Alpirez's character despite direction from Headquarters to do so and the inconsistency between these allegations and prior information.

273. Post-Trial. During 1993-1995, the Station continued its efforts to acquire information on the DeVine case. Many versions of the details regarding DeVine's killing had been learned by this time and the initial Guatemalan judicial proceedings had been completed. The Station's efforts resulted in added information regarding the appeal, the Guatemalan Government's reaction to the case, Contreras' escape and the search for him, and other case developments.

274. [REDACTED]

[REDACTED]

275. Station reporting in 1994 continued to include information pertaining to the Guatemalan Government's reactions to DeVine case developments. [REDACTED] indicated that the MOD considered the case closed. In August, the Station reported that Noack, the Human Rights Advisor to De Leon, questioned the validity of the claims of death threats to witnesses and their relatives. [REDACTED]

[REDACTED]

276. During 1995, the Station has continued to keep policymakers informed regarding DeVine case developments. [REDACTED]

[REDACTED]

Station reporting noted the growing reticence of certain assets to continue contact with Station officers. [REDACTED]

[REDACTED] that Noack believed the Army was going to allow Alpirez to be charged with obstruction of justice [REDACTED] opinion that the Army would also "give-up" Garcia Catalan.

277. The Station reported the comments [REDACTED] in reference to the existence of Alpirez's tape recording. In May, LA Division issued a Spot Report that discussed the details of the Alpirez tape, including portions that identify Garcia Catalan as ordering the killing and Alpirez at first protesting the cover-up and then reluctantly cooperating. In May, the Station also reported [REDACTED] belief that Alpirez and Garcia Catalan may be scapegoats and that Contreras might be dead. Recently, Station management informed Guatemalan officials that the DeVine case would not be forgotten and that U.S. cooperation partly depended upon the Guatemalan Government's resolution of the DeVine case, particularly the return of Contreras to justice.

278. Did the Agency Suppress Information to Protect Sources and Methods? No evidence has been found to indicate that the Agency improperly suppressed relevant information to protect "sources and methods" or for other inappropriate reasons. In August 1990, the Station promptly reported the information [REDACTED] regarding military involvement in DeVine's killing and a cover-up. This information was disseminated to the appropriate intelligence consumers,

both at the Embassy and in Washington. [REDACTED]

279. Following the August 1990 report, the Station tasked its assets to collect additional information on the DeVine killing and the Guatemalan Government's reactions to the case. In mid-October 1991, the Station collected information that alleged Alpirez had been present at DeVine's interrogation. This was reported to Headquarters and disseminated to other appropriate agencies through standard channels. The dialogue between Headquarters and the Station through the end of October clearly indicates that the Agency almost immediately recognized an obligation to report the allegations to DoJ.

280. [REDACTED]

281. [REDACTED]

IS THERE ANY EVIDENCE THAT CIA EMPLOYEES OR AGENTS WERE DIRECTLY OR INDIRECTLY INVOLVED IN DEVINE'S KILLING?

282. No evidence has been found to indicate that any Agency employees were directly or indirectly involved in DeVine's killing or that any Agency employees had any advance knowledge of that event. No

evidence has been found to indicate that DeVine was the subject of Agency interest prior to his killing.

283.

WAS INFORMATION REGARDING DEVINE'S KILLING PROPERLY SHARED BY CIA WITH THE INTELLIGENCE OVERSIGHT COMMITTEES? DID THE CIA MEET ITS RESPONSIBILITY FOR CONGRESSIONAL NOTIFICATION IN THE DEVINE KILLING?

284. There is no specific statutory or policy requirement that the CIA provide intelligence information to Congress concerning the deaths of American citizens. However, as a matter of practice, the Agency does provide information to Congress in response to specific inquiries or if circumstances warrant. In the case of DeVine's killing, information was provided to Congress because the case became an important element of Agency reporting on the human rights situation in Guatemala and assumed significance in terms of U.S.-Guatemalan relations.

285. The Agency appears to have informed the Congress about the DeVine killing prior to any congressional inquiry about the matter and continued to provide information about basic developments in the case as such information became available. Specifically, information was provided through finished intelligence publications, periodic briefings, and testimony.

286. While Agency information about the DeVine killing had been provided to Executive branch agencies beginning in August 1990 [REDACTED]

first available record that the CIA made information available to Congress about the DeVine killing is a December 14, 1990 National Intelligence Daily (NID) ¹¹ article on human rights abuses in Guatemala. The article included a statement that the Army High Command continued to drag its feet on the investigation of the killing of a U.S. citizen by Guatemalan military personnel. A NID article on January 17, 1991 [REDACTED]

287. The next record of the Agency providing information to Congress about the DeVine case is an April 2, 1991 [REDACTED]

[REDACTED] began with a general discussion of the DeVine killing and explained that Station reporting on this major human rights violation had led the U.S. Government, in December 1990, to suspend military assistance to Guatemala [REDACTED] that this suspension was due to the military's failure to investigate satisfactorily Guatemalan military involvement in the DeVine killing. [REDACTED] also discussed in general terms the intelligence reporting that related to that case. [REDACTED]

288. The first record of a congressional inquiry about the DeVine killing that has been found is in April 1991. [REDACTED]

[REDACTED] the HPSCI sent the Agency the following Question for the Record--"What contribution has CIA made to the investigation of the murder of U.S. citizen Michael DeVine in Guatemala?" The Agency provided the following response, with obvious reference to the August 1990 report [REDACTED] on April 23: [REDACTED]

A CIA [REDACTED] "broke" the DeVine case in August 1990 by providing information indicating that DeVine was murdered by Guatemalan military personnel. [REDACTED] had been urged to provide this key information by a [REDACTED] Guatemalan [REDACTED] official [REDACTED]

[REDACTED] . . . In December 1990, CIA provided [REDACTED] indicating that the Guatemalan Minister of Defense was blocking the investigation into the Guatemalan military's role in DeVine's murder. The CIA report played a key role in the United States Government's decision to suspend military assistance to Guatemala.

289. The Agency continued to provide information to the intelligence committees in the form of finished intelligence, [REDACTED] and periodic briefings from the spring of 1991 through September 1992 when six Guatemalan Army specialists were convicted of DeVine's killing. The essential issues covered included, who may have been responsible for the killing; the extent of the military effort to cover up involvement of military personnel and the attendant responses of Guatemalan political leaders; the impact of the case on U.S. relations with Guatemala; and the implications for the [REDACTED]

290. Finished intelligence about the DeVine case provided to Congress included a NID article in September of 1991 [REDACTED]

[REDACTED] The latter two reports came after, but did not mention, the October 1991 report that Alpirez had been present at DeVine's interrogation, [REDACTED] the referral to DoJ.

291. [REDACTED]

[REDACTED] In addition, the DeVine case was discussed in SSCI staff briefings on May 19, 1992, late June 1992 [REDACTED] and June 26, 1992. No record has been found of congressional inquiries about the DeVine case or briefings about it from June 1992 until January 1995. Throughout this period, there appears to

have been no reference to the October 1991 report, [REDACTED] or the DoJ referral.

292. The October 1991 allegation that Alpirez had been present at DeVine's interrogation had been included in a compilation of reports that was shown to SSCI staff members in June 1992. [REDACTED]

[REDACTED]. At the same time, the committees were told of the January 1995 report alleging that Alpirez killed Bamaca.

WAS INFORMATION REGARDING DEVINE'S KILLING PROPERLY SHARED WITH AMBASSADORS AND OTHER APPROPRIATE EMBASSY OFFICIALS? DID CIA MEET ITS RESPONSIBILITY FOR NOTIFICATION IN THE DEVINE KILLING?

293. August [REDACTED] 1990 Intelligence Report. On August [REDACTED] 1990, the Station reported to Headquarters [REDACTED] about Guatemalan military involvement in DeVine's killing and the cover-up that was in progress. The Station also proposed a delay in briefing Ambassador Stroock to allow a measure of protection for [REDACTED] source. On August [REDACTED], 1990, Headquarters rejected the Station's proposal and instructed the Station to brief Stroock promptly on the information that had been provided [REDACTED] concerning the DeVine killing and cover-up. Headquarters also instructed the Station to resubmit the report and expressed its desire to provide the information to the Assistant Secretary for State for Latin America as quickly as possible. This was clearly an indication of Headquarters's recognition of the importance of the DeVine case. An August [REDACTED] immediate Headquarters cable informed the Station that the information had been disseminated and that the DAS had been hand-delivered a copy.

294. October [REDACTED] 1990 Station Report. On October [REDACTED], 1990, [REDACTED] that, among other things, DeVine's killers were not under orders from Garcia Catalan to kill him and opined that they got into a fight and killed DeVine. [REDACTED] reported this to Headquarters as well as reporting from unnamed "others" that DeVine drank heavily and beat local soldiers. [REDACTED]

[REDACTED]

295. [REDACTED]

[REDACTED]

Stroock's comments on the subject are somewhat ambivalent. Stroock recalls being advised in the Ambassador's "charm school" that "COS's screw Ambassadors." He also recalls that he understood that, under a long-standing agreement worked out between State and CIA, Ambassadors had a right to know about the identities of the Agency's contacts on a "need-to-know" basis and could also ask the COS for such information in specific cases.

296. [REDACTED]

[REDACTED]

297. Based on long-standing agreements between the Agency and the State Department, Agency Stations are expected to share virtually all information with the Ambassador. (See Exhibit E of Volume I.) The single exception is based upon the 1947 National Security Act's requirement that the Agency protect "intelligence sources and methods." (See Exhibit E of Volume I.) Thus, there is some room for interpretation and discretion on the part of the COS when "sources and methods" are involved. According to Agency guidance to Stations, a COS may share sources or methods information, in certain instances [REDACTED]

[REDACTED]

[REDACTED] Alternatively, in the absence of such a request, a COS who believes source or method information is necessary for an Ambassador to pursue official responsibilities effectively may

offer the essential information. Typically, the COS must strike a balance between keeping the Ambassador fully informed and protecting sources and methods. Presumably, in deciding whether and what the Ambassador will be told, the COS exercises this judgment on the basis of a knowledge of local conditions, the working relationship between the Station and the Ambassador, and the nature of the information.

298. [REDACTED]

WHY DID THE AGENCY NOT PROVIDE INFORMATION REGARDING THE DEVINE KILLING TO THE DEVINE FAMILY?

299. Information available to the Agency indicated that Mrs. DeVine hired a private detective [REDACTED] to investigate the circumstances of her husband's death. [REDACTED] developed considerable information about the DeVine case that was known by the Agency to have been shared with the Embassy and the Guatemalan Government. Moreover, a large volume of information regarding DeVine's killing eventually became public and was known to be available to Mrs. DeVine.

300. Additional information was acquired by the Agency from its clandestine sources. This was consistent with the Agency's mission to collect information relating to foreign events, U.S. foreign policy and other official interests abroad. This information was analyzed and provided to official consumers. Generally, apart from its basic charter to

collect information concerning terrorism and events that impact upon official U.S. policy or other interests in a foreign country, there is no requirement that the Agency seek to collect information regarding threats or harm to U.S. citizens abroad. Also, there is no statute, Executive order, or Agency regulation or policy that provides for disclosing clandestinely collected information to families of U.S. citizens who may have been murdered, captured, imprisoned, or are missing in a foreign country.

301. This said, the Agency is expected to warn targets of assassination plans that may come to its attention. Also, Agency information can be and is indirectly conveyed to concerned family members for humanitarian reasons. Warnings and compassionate conveying of information generally are the responsibility of the State Department. Typically, State Department personnel at the Embassy who receive a request for such information would work through the State Department in Washington and the Station to query Agency Headquarters for pertinent information. If the Agency concurred with the release, pertinent information would be sanitized to protect sources and methods and then the information would be provided to the State Department for release to the family members.

302. The Station appears to have kept Ambassadors Stroock and McAfee generally informed of information regarding the DeVine case through private discussions, Station cables, and Country Team meetings. In turn, Embassy, State and [redacted] officials held several meetings with Mrs. DeVine, the DeVine family lawyer [redacted]. Mrs. DeVine's lawyer, in the company of Embassy officials, also met with representatives of the Guatemalan Government.

303. No evidence has been found to indicate that requests were received for the release of Agency information to the DeVine family relating to the DeVine killing. Both Ambassadors Stroock and McAfee have stated that they did not approach the Station to request release of Agency information to the DeVine family, nor are there indications that the Ambassadors unilaterally released Agency information. Inasmuch as Station personnel were not involved in the discussions with Mrs. DeVine or her representatives, the exact information provided Mrs. DeVine and

her lawyer is unknown. However, Agency-derived and reported classified information presumably was not released, but served as background and to verify facts for these discussions.

304. Another means by which private U.S. citizens, such as members of the DeVine family, may obtain unclassified Agency information is through the filing of a Freedom of Information Act (FOIA) request. A search of Agency FOIA records indicates that not until May 8, 1995 did an individual, "on behalf of Carol DeVine," request information from the Agency "related to the murder of her husband, Michael Vernon DeVine." The Agency currently is processing that request according to standard procedures.

CONCLUSIONS

305. The conclusions set forth below are repeated in the volumes relating to Alpirez, DeVine, Bamaca [REDACTED]

Agency Purposes in Guatemala

306. Agency programs in Guatemala during the period in question were conducted in furtherance of duly approved [REDACTED]

[REDACTED] were duly authorized by the President, reviewed by the National Security Council and reviewed and funded by the Congress. [REDACTED]

Alleged Complicity in Deaths of DeVine and Bamaca

307. No evidence has been found to indicate that any CIA employee had prior knowledge of, directed, participated in, or condoned the interrogation or killing of DeVine. No evidence has been found to indicate that any CIA employee had prior knowledge of, directed;

participated in, or condoned the reported interrogation, torture, or killing of Bamaca.

308. The October 1991 report alleging that Alpirez [REDACTED] was present at DeVine's interrogation was seriously flawed and should have been reviewed more thoroughly at the Station and disseminated with appropriate caveats. Neither the Station nor Headquarters made a serious effort to verify the allegations contained in the October 1991 report and Headquarters did not follow-up sufficiently on its initial efforts to have the Station do so.

309. Similarly, the January 1995 report alleging that Alpirez had killed Bamaca was also based on questionable information and should have been reviewed more thoroughly at the Station and disseminated with appropriate caveats. Neither the Station nor Headquarters made serious efforts to verify that report and Headquarters did not encourage the Station to do so.

Congressional Notification

310. The Agency should have notified the congressional intelligence oversight committees in October 1991 about the allegations that Alpirez had been present at an interrogation that resulted in the death of a U.S. citizen [REDACTED]. The committees should have been briefed, especially in light of the prompt and serious actions the Agency took on the basis of that report, in reporting to DoJ and [REDACTED]. [REDACTED] LA Division officers intended to provide such notification to the committees, but neither those officers nor senior Agency managers ensured that this was done.

311. In February 1995, the oversight committees were expeditiously notified of the only report alleging that Alpirez had been responsible for the death of Bamaca. While notification was laudable, it should have been made clear that there were competing versions of what happened to Bamaca, and that the January 1995 report was sketchy, third-hand hearsay, and unconfirmed. Furthermore, when it had become clear in November 1994 that there was congressional interest in

Bamaca's fate, formal notification of the April 1994 report that Alpirez had interviewed Bamaca [REDACTED] [REDACTED] should have occurred.

312. [REDACTED]

313. The Agency provided [REDACTED] to the oversight committees and participated during various committee hearings and briefings of committee staff [REDACTED]

[REDACTED] It should have been recognized that the failure to provide this information in connection with the discussion of the DeVine case [REDACTED]

[REDACTED] would be viewed as misleading the committees. No evidence has been found to indicate that the failure to mention [REDACTED]

[REDACTED] in these reports, hearings and briefings was intended to mislead the committees. Neither has any evidence been found to indicate that the failures to notify the committees in 1994 of information indicating that Alpirez had interviewed Bamaca or [REDACTED]

[REDACTED] were intended to mislead the committees.

Ambassadorial Notification

314. The Station did not keep the Ambassadors appropriately informed in certain instances. Concerns about source protection and possible threats to Agency equities in its liaison relationships appear to have been the causes of some of these failures.

315. Ambassador Stroock was not properly notified in August 1990 [REDACTED] when the Ambassador was provided information about the military's involvement and cover-up in the DeVine killing and was preparing to present a demarche.

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316. Ambassador Stroock was not properly notified in October 1991 [REDACTED] when allegations were received that Alpirez was present at the interrogation of DeVine.

317. [REDACTED]

318. Ambassador McAfee was not properly notified in 1994, even after asking in October 1994 for a complete summary of CIA intelligence relating to Bamaca, that Alpirez had reportedly interviewed Bamaca after his capture in March 1992 [REDACTED]

319. [REDACTED]

320. [REDACTED]

Collection and Reporting Standards

321. Information provided by Agency assets was responsive [REDACTED] and included significant reporting on human rights issues in Guatemala, including the DeVine killing, Bamaca's fate, and the reactions of [REDACTED] Guatemalan political and military officials to U.S. policy initiatives in this regard.

322. However, in certain instances, concerns about source protection or possible threats to Agency equities in its liaison relationships appear to have been the cause of failures to report information fully and promptly. [REDACTED]
[REDACTED]

323. Station reporting regarding human rights issues included some unsubstantiated reports from possibly biased sources about Alpirez [REDACTED], as well as the DeVine and Bamaca cases. The Station, LA Division and the DO should have made stronger efforts to validate the information and place it in the context of other reporting, analyze the biases and motivations of the sources, and ensure that consumers of the information were advised that there were significant questions about its validity and hearsay nature. It also appears that LA Division and the Station gave insufficient attention and consideration to the possibility that Station asset reporting on Bamaca's fate was based upon deliberately false information [REDACTED]
[REDACTED]

324. The Station and LA Division failed to meet Agency standards for [REDACTED] with particular reference to the assets who provided key information relating to Alpirez, DeVine, Bamaca, [REDACTED]
[REDACTED]
[REDACTED]

325. At the time the CIA first encountered Alpirez in a liaison capacity in 1987 [REDACTED], Agency records apparently revealed no derogatory information or indication that he had engaged in human rights abuses [REDACTED]

[REDACTED]

326. The August 1990 information [REDACTED] formed a substantial part of what the U.S. Government knew about official Guatemalan involvement in DeVine's killing. It also served as part of the basis for at least one U.S. Government demarche to the Guatemalans and the partial suspension of U.S. military assistance to Guatemala.

327.

[REDACTED]

328.

[REDACTED]

329.

[REDACTED]

[REDACTED]

330.

[REDACTED]

331. [REDACTED]
[REDACTED]

332. [REDACTED]
[REDACTED]

Referral to Department of Justice

333. LA Division and OGC acted prudently in ensuring a prompt referral of the October 1991 allegations about Alpirez to DoJ. However, OGC should have probed more thoroughly to determine through a preliminary inquiry whether or not there [was] any basis to the allegations. In addition, having made the referral, OGC did not properly record or monitor the matter, or adequately respond to DoJ requests for further information.

Analytical Responsibilities

334. No factual basis has been identified for the DI [REDACTED] conclusion in an analysis presented to the NSC in January 1995 that Alpirez was at least "the intellectual author" of Bamaca's death. That analysis was also flawed [REDACTED]
[REDACTED]

335. The DI [REDACTED] with primary responsibility was not made aware by DO officers of the April 1994 report that Alpirez [REDACTED] had interviewed Bamaca or that Alpirez [REDACTED] was reportedly present at the interrogation of DeVine. As a consequence, he was not able to include that information in briefings to senior State officials and HPSCI and SSCI staff members in November 1994 or in the [REDACTED] analytic reports that were disseminated to the Ambassador and NSC and State customers prior to January 1995.

336. Six reports have been found that allege that Alpirez had knowledge of or was involved in narcotics trafficking or other potentially unlawful activities. None of these reports establishes any connection between narcotics trafficking and the DeVine murder, nor does any of them indicate that the murder had as its purpose coercion or intimidation of, or retaliation against, a government or civil population. Neither has other evidence been found to indicate that Agency employees were aware of such a connection or purpose. Thus, there is no support for the contention that Agency employees engaged in an obstruction of justice in connection with the November 1991 referral to the Department of Justice.

Dispersal or Destruction of Records

337. No evidence has been found to indicate that any Agency personnel dispersed or destroyed records to prevent them from being reviewed by investigators. It appears that this allegation may have had its source in an Agency effort to provide copies of selected documents to former DCIs in order that they might be able to respond knowledgeably to public inquiries relating to Guatemala.

DO Records System

338. Weaknesses in the DO records system led to a failure to retrieve relevant allegations regarding human rights abuses [REDACTED]

[REDACTED] These weaknesses continue to cause problems for the Agency.

[REDACTED]
A. R. Cinquegrana

RECOMMENDATIONS

1. **General.** The following areas have been identified in the course of this investigation as requiring the attention of Agency management and are addressed in this section:

- Congressional notification;
- Ambassadorial notification;
- Selection of Chiefs of Station;
- [REDACTED]
- Collection and reporting responsibilities;
- Human rights reporting;
- [REDACTED]
- Analytical functions; and
- DO records system.

2. The paragraphs that follow constitute the IG's best judgment as to what should be done in each area, but we recognize that a management review of the issues involved may develop different and better approaches to improving current practices and policies in each area. The most important message we are conveying is that the identified areas require management's attention and remedial action. Thus, these recommendations should be viewed as a framework for further deliberation and development of responsive reactions in each area, not as a prescriptive list of actions that should be taken as stated. However, we strongly believe that the Overview Volume, with Conclusions and all Recommendations except the individual accountability section, should be made available to Agency employees in order that they may be fully informed and apply the lessons of this investigation to their own situations.

3. **Congressional Notification.** This investigation has shown that in the DO there is a predisposition against sharing information with Congress despite repeated statements by the Agency's leadership that Congress needs information to perform its oversight role and has the right to such information. The DDO should work to replace this bias with a predisposition that favors sharing information.

4. The DCI should reaffirm that the Agency has an obligation to ensure that the Congress is kept fully and currently informed about Agency activities. The Director should make it clear that each Deputy Director and Head of Independent Office is responsible for determining, on a continuing basis, which matters within their areas of responsibility should be reported to the intelligence oversight committees of the Congress. Clear procedures should be established to ensure that such matters are reported.

5. Each Deputy Director and Head of Independent Office, in conjunction with the General Counsel and the Director of Congressional Affairs, should recommend criteria for the DCI's approval that are applicable to their areas of responsibility to govern which matters will be reported to the intelligence oversight committees.

6. Each Deputy Director and Head of Independent Office should require their managers to review on a continuing basis which matters within their areas of responsibility meet the established criteria for reporting to the intelligence oversight committees. In addition, each Deputy Director and Head of Independent Office should conduct a formal quarterly review of their activities to determine which matters, within or in addition to the established criteria, should be reported to the intelligence oversight committees. As part of this process all employees should be given the opportunity to identify matters that should be considered for such reporting.

7. **Ambassadorial Notification.** The DCI should issue new guidance concerning Chief of Station (COS) responsibilities for keeping Ambassadors informed about Station programs and activities. [REDACTED]

[REDACTED]

8. Selection of Chiefs of Station. The DDO should develop standards, subject to DCI concurrence, for the development, selection and retention of Chiefs of Station to ensure that they are the most highly qualified professionals available. [REDACTED]

[REDACTED]

[REDACTED] Chiefs of Station should not be selected for reasons other than professional competence. [REDACTED]

[REDACTED]

9. [REDACTED]

[REDACTED]

10. [REDACTED]

[REDACTED]

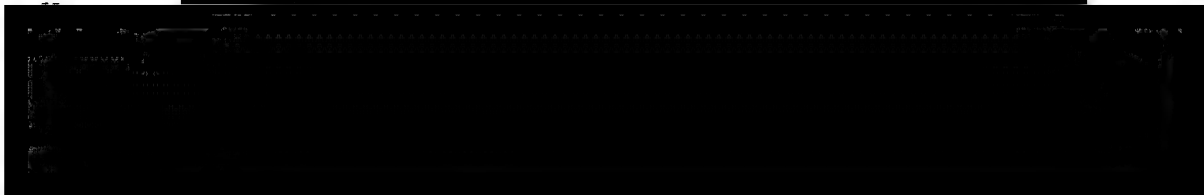
11. Collection and Reporting Responsibilities. Both Headquarters and Stations are responsible for ensuring that the highest possible standards are maintained in CIA's collection and reporting efforts. [REDACTED]



12. Human Rights Reporting. The DDO should develop procedures to ensure that Stations meet established standards for reporting information relating to human rights abuses. [REDACTED]



13. [REDACTED]



14. [REDACTED]



15. Analytical Functions. DI analysts responsible for producing finished intelligence and conducting briefings of government policymakers should be given access to [REDACTED] that

pertains to their areas of responsibility. The DDI should establish standards that ensure that DI analysts consider all relevant information so that inaccurate, misleading, or incomplete statements are not incorporated into DI intelligence products or briefings.

16. **DO Records System.** The DO should intensify its efforts to ensure that Headquarters and Station personnel are supported by a records and information management system that will provide thorough, dependable and timely access to all information of relevance to a particular individual or subject. [REDACTED]

17. **Accountability.** This investigation has established that there is no basis for several of the most significant allegations that have been made against the Agency and its employees relating to its activities in Guatemala. Unfortunately, the investigative and political furor that was launched with these allegations and that has consumed much of the U.S. Government's valuable time and energy for the past several months could have been avoided or reduced if Agency employees had performed more capably in reporting the events in question.

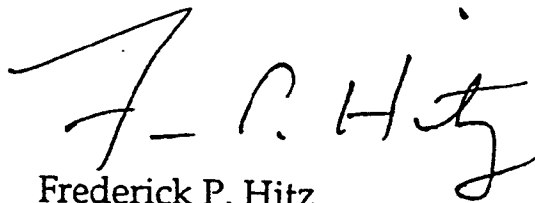
18. A review of Agency activities relating to the Alpirez, DeVine, Bamaca, [REDACTED] matters reveals a general failure to adhere to the professional standards in collecting, reporting and analysis that the Agency expects from its personnel. The causes of this are puzzling. It may be that closer scrutiny or higher standards are now being imposed on the workforce. There are many possible explanations which we will not venture here.

19. Whatever the reason, from recruitment to reporting; from corroboration to processing; from validation to analysis; from congressional notification to crimes referral, the facts demonstrate performance that is not as professional or competent or sound in its judgments as the Agency and the U.S. Government have a right to expect. It is not that anyone engaged in intentional wrongdoing, but that so many errors were committed along the way. Agency management

also must be faulted for the failures of Agency personnel that are identified in this Report of Investigation.

20. Many officers contributed to the problems and shortcomings described in this Report, but certain officers had special responsibilities and played significant roles that separate them from the rest. Although there is no evidence to indicate that they were involved in the specific events under review here, the level of professionalism that prevailed in the Agency must ultimately be laid at the feet of the most senior Agency managers, DCIs and DDCIs during this period. In addition, the names of individual officers who should be held responsible for specific deficiencies have been provided to the Director for his consideration and action.

CONCUR:



Frederick P. Hitz
Inspector General

15 July 95
Date

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*Central Intelligence Agency
Inspector General*

REPORT OF INVESTIGATION



GUATEMALA: VOLUME V
EFRAIN BAMACA VELASQUEZ
(95-0024-IG)

July 15, 1995

*Frederick P. Hitz
Inspector General*

*A. R. Cinquegrana
Deputy Inspector General
for Investigations*

Investigators:



APPROVED FOR RELEASE
DATE: DEC 2001


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classified SECRET~~

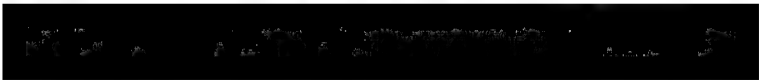
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OFFICE OF INSPECTOR GENERAL
INVESTIGATIONS STAFF

REPORT OF INVESTIGATION

GUATEMALA: VOLUME V
EFRAIN BAMACA VELASQUEZ
(95-0024-IG)

July 15, 1995

INTRODUCTION

1. In a March 22, 1995 letter to President Clinton that was simultaneously released to the New York Times, Representative Robert Torricelli (D-N. J.) alleged that the Central Intelligence Agency (CIA) was involved in the "murders in Guatemala in the early 1990's" of U.S. citizen Michael DeVine and Guatemalan insurgent Efrain Bamaca Velasquez. He further alleged that these two individuals "were murdered under the direction of Colonel Julio Roberto Alpirez, a Guatemalan intelligence officer [who] was under a contract with the CIA and remained on its payroll at the time of the murders." Torricelli reportedly told Bamaca's American wife, Jennifer Harbury, that Bamaca was killed about four months after being wounded in a March 1992 encounter with Guatemalan Government forces and that Alpirez was responsible for his death.

2. On March 30, 1995, the President directed the Intelligence Oversight Board (IOB) to conduct a government-wide review of all

allegations surrounding the DeVine-killing and the disappearance of Bamaca as well as any related matters. Shortly before this, an investigation that had been initiated by the CIA's Inspector General in January 1995 at the request of then-Acting Director of Central Intelligence Admiral William Studeman regarding the relationship between the CIA and Colonel Alpirez was broadened to include questions regarding the Bamaca and DeVine cases that were raised by the Senate Select Committee on Intelligence (SSCI) and the IOB, as well as other issues that were raised during the public debate that followed Representative Torricelli's allegations.

3. This Report concerns the Bamaca matter, the information that the Agency received both before and after his disappearance and whether or not that information was handled properly. It deals, among other things, with questions regarding what information was available to CIA on Bamaca and when; whether the Agency met its responsibility for the collection and dissemination of intelligence pertaining to Bamaca; what information CIA had linking Alpirez to Bamaca; whether there is any evidence that CIA employees or assets¹ were directly or indirectly involved in Bamaca's fate; and, whether information regarding Bamaca's fate was properly shared with the congressional intelligence oversight committees.

BACKGROUND

4. Efrain Bamaca Velasquez, who was also known in Guatemala as Comandante or Commander Everardo, was reported to be one of the leaders of the Organization of People in Arms (ORPA)—one of four Guatemalan leftist groups fighting against the Guatemalan Government. Bamaca was first reported missing in mid-March 1992 when his guerrilla unit and Guatemalan Army forces engaged in a firefight in western Guatemala. According to press reports, the Army announced at the time that Bamaca was wounded

¹ [REDACTED]

[REDACTED]

in combat, then killed himself with a gunshot to the mouth to avoid capture. This account apparently went unchallenged until February 1993, when Santiago Cabrera Lopez, a member of the Guatemalan National Revolutionary Union (URNG) who had escaped from a military base after being detained for nearly a year, testified before the United Nations (U. N.) Human Rights Commission in Geneva that he saw Bamaca at an Army base the day he disappeared. Then, in October 1994, Cabrera delivered a more detailed statement, in which he said he saw Bamaca chained to his bed, his body swollen, and his right arm and leg entirely covered with bandages.

5. According to press reports, Bamaca was a Guatemalan Mayan Indian who rose to the top ranks of ORPA. ORPA is one of four guerrilla groups that forms the larger URNG. Bamaca was reportedly the leader of the Popular Campesino Resistance (RPC) forces that were integrated into the Luis Ixmata Front of ORPA.

6. Jennifer Harbury, a United States citizen, reportedly first met Bamaca during a visit to his guerrilla camp in 1990 when she was working on a book about women in the Guatemalan rebel army. She has said that she and Bamaca were married in Texas on September 25, 1991. A declaration and registration of marriage was filed on June 22, 1993, nearly two years after the date she identifies for the marriage and over one year after Bamaca's March 1992 disappearance. (Materials relating to the marriage claim are included in Exhibit A to this Volume.)

7. According to press reports, Harbury was determined to obtain definitive information concerning Bamaca's fate after his disappearance. She met repeatedly with both U.S. and Guatemalan officials, and staged three hunger strikes--the first in September 1993 in Guatemala City, the second in October-November 1994 in Guatemala City, and the third in Washington, D. C., in March 1995. Although U.S. officials have told her on several occasions that they believe her husband is dead, press reports indicate that Harbury believes information is being withheld from her. She concluded the March 1995 hunger strike, according to the media, after Congressman Torricelli's allegations revealed that Bamaca was killed

about four months after being wounded in the March 1992 encounter with Guatemalan Government forces on the orders of Alpirez who "was under contract with the CIA and remained on its payroll at the time of the murder...."

PROCEDURES AND RESOURCES

8. An OIG investigation [REDACTED] initially involved two investigators from the Investigations Staff of CIA's Office of Inspector General. By early April 1995 the overall investigative team had been expanded to 17 because of additional tasking from Congress, the President's Intelligence Oversight Board, and the Acting DCI. Five of these investigators were actively involved in this Bamaca phase of the investigation. These investigators reviewed relevant files in the Latin America (LA) Division, [REDACTED] Information Management Staff (IMS), Counterintelligence Center (CIC) of the Directorate of Operations (DO), in the Office of Congressional Affairs (OCA) and the Office of General Counsel (OGC). Knowledgeable members of the components were interviewed, including former and current Chiefs and Deputy Chiefs of Station at Guatemala City Station. See Volume I of this Report for additional details regarding the procedures and resources involved, and the scope of the entire investigation.

QUESTIONS PRESENTED

9. The following questions are addressed in this Report:
- ◆ What are the organization, mission, goals, and activities of ORPA?
 - ◆ What information was available to the CIA before March 1992 concerning Bamaca? How was that

information handled? How reliable were the CIA assets from whom the information was acquired?

- ◆ What information was available to the CIA between March 1992 and the end of January 1995 concerning Bamaca? How was that information handled? How reliable were the CIA assets from whom the information was acquired?
- ◆ What information was available to the CIA between February 1995 and May 18, 1995 concerning Bamaca? How was that information handled? How reliable were the CIA assets from whom the information was acquired?
- ◆ What do CIA personnel recall regarding reporting on Bamaca?
- ◆ What information did CIA have linking Alpirez to Bamaca?
- ◆ Did the CIA meet its responsibility for collection of intelligence pertaining to the Bamaca matter?
- ◆ Is there any evidence that CIA employees or assets were directly or indirectly involved in Bamaca's fate?
- ◆ Was information regarding Bamaca's fate properly shared with the congressional oversight committees? Did the CIA meet its responsibility for congressional notification in the Bamaca matter?
- ◆ Was information regarding Bamaca's fate properly shared with Ambassadors and other appropriate Embassy officials? Did CIA meet its responsibility for such notification in the Bamaca matter?

- ♦ Why did the Agency not provide information it collected regarding Bamaca's fate to Bamaca's American wife?

FINDINGS

WHAT ARE THE ORGANIZATION, MISSION, GOALS AND ACTIVITIES OF ORPA?

10. According to the Agency's Guatemala City Station and press reports, the ORPA is one of four leftist groups under the umbrella of the larger URNG organization. The three other groups that form the URNG include the Rebel Armed Forces, the Guerrilla Army of the Poor (EGP), and the Guatemalan Workers Party--the official Guatemalan Communist Party.

11. In the past, the URNG reportedly has attempted to increase the scale of its guerrilla warfare activities in both the capital and the rural areas of Guatemala to force the government to recognize a "state of internal war." The URNG reportedly has used international pressure to force the Guatemalan Government to focus on human rights issues, and has planned strikes, demonstrations and other public forms of protest to bring attention to its cause.

12. The leader of the ORPA is Rodrigo Asturias, who is known by his nom de guerre, Gaspar Ilom. Under Asturias, all ORPA activity reportedly is concentrated along International, Political and Military Lines. The International Line's objective is to gain political and financial support for ORPA as well as to generate pressure on the Guatemalan Government in the human rights area. The Political Line is responsible for propaganda and the mass media and works with guerrilla front groups and other collaborating groups in Guatemala. The Military Line includes international support networks in other countries and combatant fronts inside Guatemala.

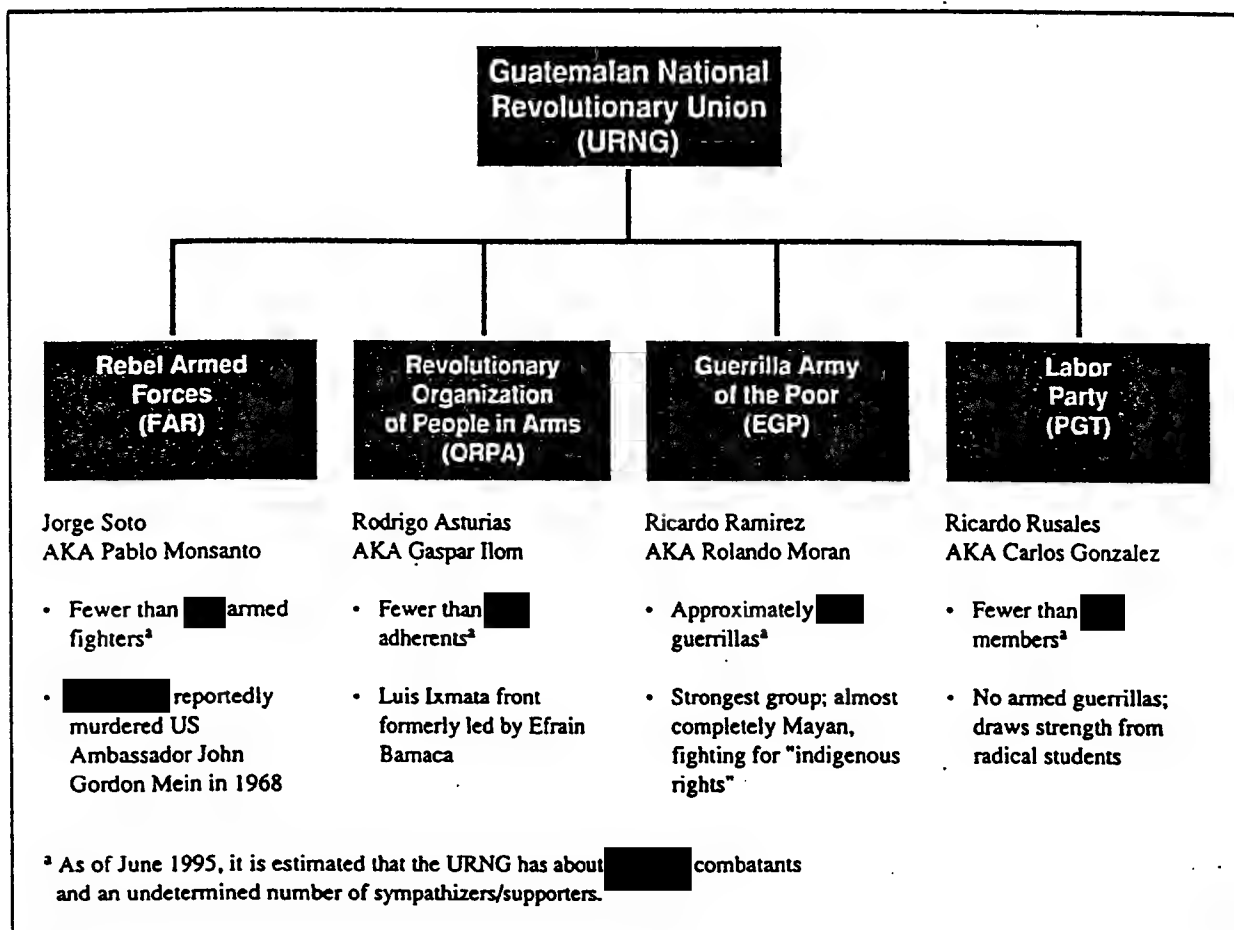
13. At one time, ORPA consisted of two active guerrilla fronts--the Luis Ixmata Front and the Javier Tambriz Front. The Luis Ixmata Front operated in the western sector of Guatemala (San Marcos and Quetzaltenango Departments) while the Javier Tambriz Front was active in southwestern Guatemala in six areas close to Guatemala City. By 1993, the Guatemalan Army believed it had nearly neutralized the Javier Tambriz Front. Bamaca was said to be the leader of the Popular Campesino Resistance (RPC) group, which was part of the Luis Ixmata Front.

14. ORPA, which is believed to field less than [REDACTED] combatants, maintains an extensive international support network. The group's activity includes propaganda, logistical support, political activity, fund-raising, and medical treatment for wounded guerrillas. ORPA international operations are said to be handled in Mexico--its most important foreign base. However, many activities are also carried out in Nicaragua and Europe. ORPA propaganda has been published by a number of news agencies and magazines in Europe, Central America, and North America.

15. Many ORPA guerrilla leaders have received training in Cuba and Nicaragua and many have more than ten years of guerrilla warfare experience. Many of the guerrillas are native to the areas in which they operate. They have developed a complete program of small arms military tactics and physical training, ensuring that all combatants are well prepared for combat. The Guatemalan military considers the ORPA guerrillas to be experts in the use of mines and booby traps.

16. ORPA activity in the past has included assassinations, harassment of military posts, armed encounters with Guatemalan military troops, propaganda, roadblocks, ambushes, sabotage, robberies, and kidnappings. Despite the high level of military efficiency reached by the ORPA guerrillas, they reportedly have limited their potential by operating for several years in the same, relatively small areas.

Guatemala National Revolutionary Union (URNG)



~~Secret~~

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WHAT INFORMATION WAS AVAILABLE TO THE CIA BEFORE MARCH 1992 CONCERNING BAMACA? HOW WAS THAT INFORMATION HANDLED? HOW RELIABLE WERE THE CIA ASSETS FROM WHOM THE INFORMATION WAS ACQUIRED?

17. [redacted] intelligence reports [redacted] have been found that refer to a Commander Everardo and his role in the ORPA guerrilla group prior to March 1992. In only one of these reports is Commander Everardo referred to by his true name of Efrain Bamaca Velasquez. In summary, the [redacted] reports [redacted] discuss Commander Everardo's leadership position in ORPA, his participation in guerrilla activities, his teaching at a guerrilla training school, a military counterinsurgency sweep against his guerrilla front, his position in ORPA and the Luis Ixmata Battalion, the Guatemalan [redacted] interception of material destined for him, and his leadership position in the RPC. [redacted]

18. February 28, 1983 Intelligence Report. [redacted] Commander Everardo was identified as a key leader of the Second Front of ORPA. [redacted] [redacted] had issued an analysis of the status of ORPA in January 1983. The analysis, [redacted] concluded that ORPA was the most threatening insurgent group operating against the Guatemalan Government. The analysis provided ORPA's priority objective, which was to broaden its organization and military effort. It outlined the strength and key personnel in each ORPA front and provided conclusions and recommendations for meeting the ORPA threat. The report was disseminated [redacted] on March 1, 1983 to:

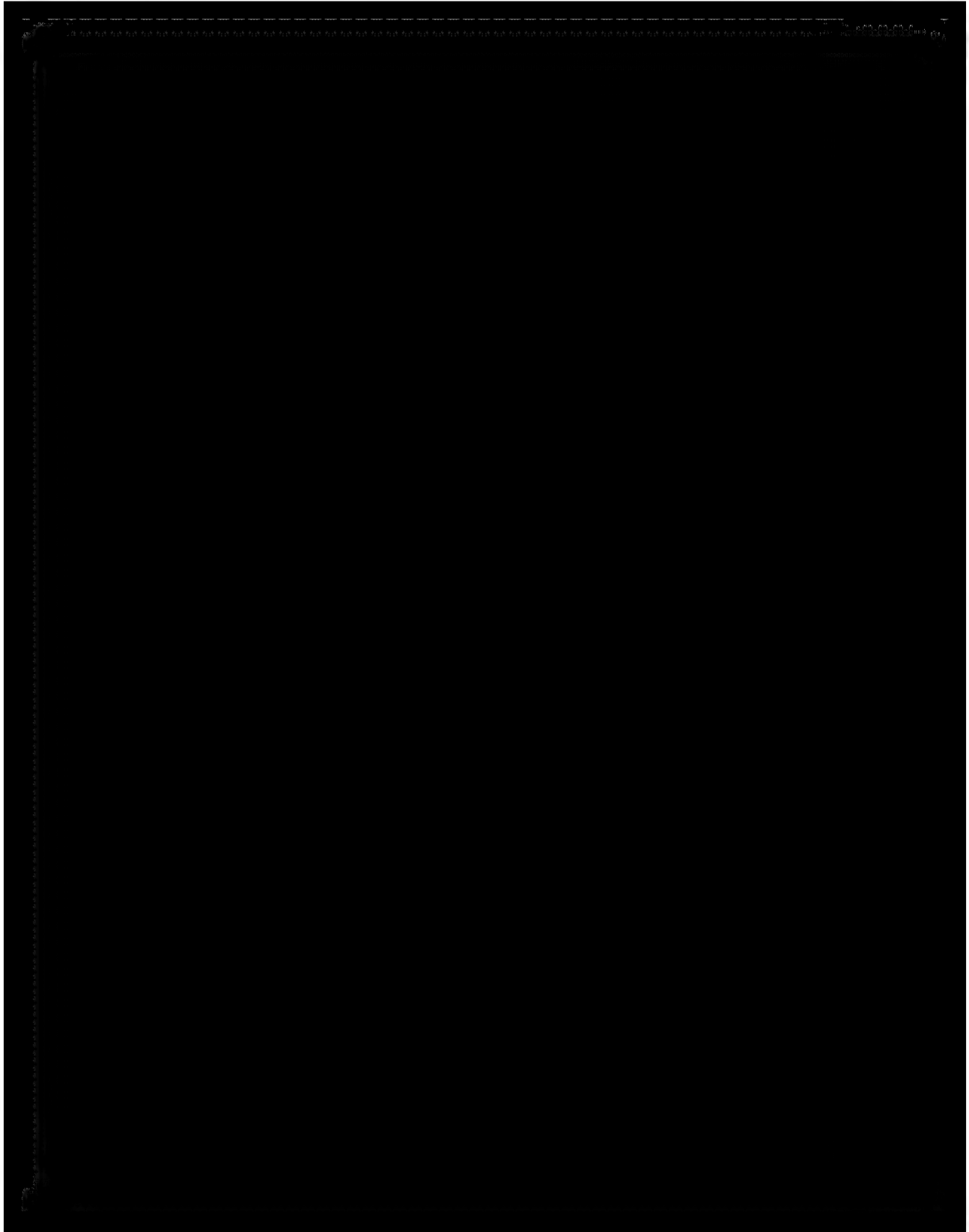
U.S. Embassy, Guatemala;
White House Situation Room;
Department of State (State);

National Security Agency (NSA);
Defense Intelligence Agency (DIA);
Department of the Treasury (Treasury);
Secret Service;
Federal Bureau of Investigation (FBI);
National Security Council Staff (NSC);
Commander, Joint Special Operations Center (COMJSOC); and
U.S. Commander In Chief, Southern Command (USCINCSO).

19. February 14, 1985 Intelligence Report. [REDACTED]

[REDACTED] noted an increase in insurgent activity against farms in the Atitlan Volcano area. [REDACTED] spoke of a recent attack by a group of 40 ORPA guerrillas headed by Commander Everardo who burned the dairy at an area farm. Everardo was said to have told [REDACTED] ORPA intended to punish farm owners who cooperated with the Guatemalan Army by destroying their farm production capacity. Everardo, [REDACTED] directed his guerrillas to kill the cows. The report was disseminated [REDACTED] on February 14, 1985 to:

U.S. Embassy, Guatemala;
White House Situation Room;
State, Bureau of Intelligence and Research (INR);
NSA;
DIA;
Treasury;
USCINCSO;
FBI; and
NSC.



20. June 6, 1985 Intelligence Report. [REDACTED] stated

[REDACTED] Guatemalan
[REDACTED] forces raided a guerrilla camp and discovered [REDACTED]
[REDACTED] important information regarding ORPA's Javier Tambriz
insurgent company. Commander Everardo was mentioned as an
instructor at an ORPA military training school where the guerrillas
received instruction in military strategy. [REDACTED] the
guerrilla group attached particular importance to gaining control of
several areas of the countryside. The group reportedly was
composed of approximately 80 men armed with light weapons,
received logistical support from an infrastructure in the surrounding
countryside and conducted propaganda and military training in
preparation for an armed revolution. The report was disseminated
[REDACTED] on June 6, 1985 to:

U.S. Embassy, Guatemala;
White House Situation Room;
State, INR;
NSA;
DIA;
Treasury;
USCINCSO; and
NSC.

21. June 13, 1985 Intelligence Report. [REDACTED]

[REDACTED] Everardo was mentioned as leading an
ORPA front containing about 25 armed combatants, in an area where
a counterinsurgency sweep netted rifles, a grenade launcher and
carbines belonging to the front. The report was disseminated
[REDACTED] on June 13, 1985 to:

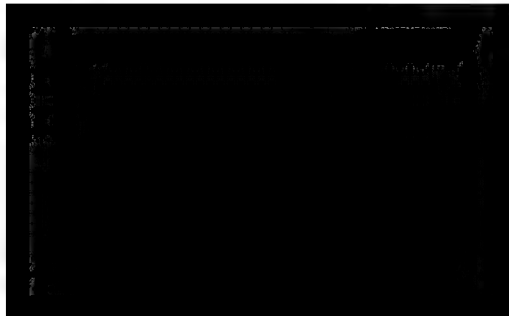
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Exclusive for Director, INR, State;
Exclusive for Director, NSA;
Exclusive for Director, DIA; and
Exclusive for USCINCSO.

22. [REDACTED]



23. October [REDACTED] 1988 Intelligence Report. [REDACTED]

[REDACTED] provided the status of three ORPA units. [REDACTED] the three units all operated in the San Marcos area--the first unit was under the command of Isaias, and the third unit had been under the command of Everardo. No details were available on the second unit. [REDACTED] stated that Everardo had been killed in an unspecified action and no new unit commander had been identified. The function of all three ORPA groups, [REDACTED] was to disrupt agricultural production in the area. This report was disseminated [REDACTED] on October [REDACTED] 1988 to:



24. May 23, 1989 Intelligence Report. [REDACTED]

[REDACTED] provided information on the structure of the Luis Ixmata Battalion of ORPA. Everardo was identified as the leader of the RPC and overall deputy commander of the battalion. Obviously he had not been killed as the previous report indicated. This report was disseminated [REDACTED] on May 23, 1989 to:

U.S. Embassy, Guatemala;

White House Situation Room;
State, INR;
NSA;
DIA;
Treasury; and
USCINCSO.

25. December 7, 1989 Intelligence Report. [REDACTED]

[REDACTED] a Guatemalan [REDACTED] had encountered an ORPA guerrilla unit. The guerrillas reportedly fled from the area, leaving behind liquor, foodstuffs, batteries, utensils, clothing, and material destined for an ORPA battalion. The material included Christmas cards intended for Commanders Everardo and Isaias of the ORPA urban front. The report was disseminated [REDACTED] on December 7, 1989 to:

U.S. Embassy, Guatemala;
White House Situation Room;
State, INR;
NSA;
DIA;
Treasury; and
USCINCSO.

26. April 3, 1990 Intelligence Report. The last report prior to March 1992 that has been found included details [REDACTED] regarding the Luis Ixmata Battalion of the ORPA. The report stated that the Luis Ixmata Battalion consisted of 90-100 armed guerrillas and was augmented by additional part-time RPC fighters. The Battalion was said to make heavy use of support units based in Mexico and was reportedly involved in the cultivation and protection of opium poppy in the San Marcos area of Guatemala. The report mentioned that Commander Everardo headed the RPC. It stated that the RPC operated in the Altiplano region in three different zones and that year planned to expand its work into previously unaffected areas, especially into the towns. The report was disseminated [REDACTED] on April 3, 1990 to:

U.S. Embassy, Guatemala;
White House Situation Room;
State, INR;
NSA;
DIA;
Treasury;
USCINCSO;
Drug Enforcement Administration (DEA);
U.S. Customs Service (Customs); and
FBI.

WHAT INFORMATION WAS AVAILABLE TO THE CIA BETWEEN MARCH 1992 AND THE END OF JANUARY 1995 CONCERNING BAMACA? HOW WAS THAT INFORMATION HANDLED? HOW RELIABLE WERE THE CIA ASSETS FROM WHOM THE INFORMATION WAS ACQUIRED?

27. Between March 14 and March 23, 1992, two major Guatemalan daily newspapers reported on a March 12, 1992 armed encounter between the Guatemalan Army and ORPA at Nuevo San Carlos in Retalhuleu Department. One account, attributed to the Guatemalan Army's press office, noted that two guerrillas, one of whom was a group leader, died as a result. A January 1995 review by the [REDACTED]

[REDACTED] of Guatemalan newspaper archives indicates that the stories included photos of an individual described as an insurgent who was killed in one encounter. There was nothing in the reports, however, that identified the insurgent as Bamaca or Commander Everardo.

[REDACTED] comments that the armed encounter in which Bamaca was presumably captured was reported by the press in a more thorough manner than were most other Guatemalan Army/URNG engagements.

28. March 18, 1992 Intelligence Report. [REDACTED]
the Agency Station in Guatemala City obtained information [REDACTED]
[REDACTED] pertaining to the capture of
Everardo, the Commander of the ORPA's Luis Ixmata Battalion.

[REDACTED] Everardo had been caught in an

ambush near San Marcos, but the news of his capture had not been publicized. Although lightly wounded in one arm, Everardo was reportedly in good physical condition, was being treated well by the Guatemalan Army and was cooperating fully with his captors. In addition, Everardo had told Guatemalan military intelligence officials that Cuba was providing training to ORPA guerrillas and had furnished Soviet AK-47 rifles to Everardo's battalion six months earlier. [REDACTED]

[REDACTED]

[REDACTED]

29. [REDACTED]

[REDACTED]

[REDACTED]

30. [REDACTED]

[REDACTED]

[REDACTED]

31. The information was sent to Headquarters by the Station [REDACTED]
[REDACTED] and disseminated [REDACTED] on March 18,
1992 to:

U.S. Embassy, Guatemala;
White House Situation Room;
State, INR;
NSA;
DIA;
Treasury; and
USCINCSO.

32. [REDACTED]

[REDACTED]

33. There is no indication of further reporting by
[REDACTED] on the fate of Bamaca until November 1994, when
Headquarters directed the Station to canvass its assets for additional
information on Bamaca. [REDACTED]

[REDACTED]

34. April 1, 1992 Station Report. [REDACTED] the
Station obtained information [REDACTED] that an ORPA
founder and one of its principal leaders, identified only as

[REDACTED]

"Comandante Everardo," was allegedly killed during combat in Quiche. [REDACTED] was tasked at the time by the Station officer to provide additional details and attempt to obtain [REDACTED] reports confirming Everardo's death.

35. [REDACTED]

36. [REDACTED]

37. The Station submitted the Station officer's report [REDACTED] regarding Everardo's death to the DO at Headquarters on April 1, 1992. There was no further dissemination of the information nor apparently were any additional details

~~SECRET~~

provided by [REDACTED] during [REDACTED] meetings in 1992 with Station officers.

38. There is no indication of further reporting by [REDACTED] on the fate of Bamaca until November 1994, when Headquarters directed the Station to canvass its assets for additional information on Bamaca.

39. [REDACTED]

[REDACTED]

40. [REDACTED]

[REDACTED]

41. [REDACTED]

[REDACTED]

42. None of the [REDACTED] reports submitted by the Station during 1992 implicated any specific individual in the interrogation or killing of Bamaca. Nor did the reports mention Bamaca by name. Rather,

all [redacted] referred only to "Everardo." This fact later contributed to a delay during October 1994 in a DO effort to retrieve all Bamaca reporting. Further, a misspelling of "Everardo" in a DO computer search contributed to the delay and resulted in the initial omission of the March 18, 1992 intelligence report from analyses prepared by the Agency's Directorate of Intelligence (DI) on October 24 and November 4, 1994. With the exception of the [redacted] intelligence reports and the one Station report cited above, there was no further Station reporting referring to either "Everardo" or Bamaca until May 1993.

[redacted]

[redacted]

43. March-April 1993 Embassy Telegrams. During the spring of 1993 a series of telegrams between the Embassy and the Department of State, available to both the Station and Headquarters at the time, discussed the Embassy's efforts on behalf of Bamaca's American wife, Jennifer Harbury, and related information about his fate. Specifically, the Embassy reported the claims of former Guatemalan guerrillas, Santiago Cabrera Lopez and Jaime Adalto Agustin Recinos, that they were held in clandestine military prisons prior to their escape and reappearance in Geneva in February 1993. The Embassy also noted that Cabrera and Recinos said that, while detained, they had seen Bamaca in 1992 at a clandestine Guatemalan Army prison. The Guatemalan Army, according to the Embassy, denied holding Bamaca and claimed he was probably buried at an unmarked grave near Retalhuleu, the site of the March 1992 clash with government troops. The reports by Cabrera and Recinos led to renewed efforts by the Embassy to determine Bamaca's whereabouts.

44. According to Embassy reporting, Harbury contacted the Embassy's Human Rights Officer on March 9, 1993 to request the Embassy's assistance in (1) inquiring of Guatemala Government officials about Everardo's whereabouts; and (2) arranging for the exhumation of a grave where he might be buried. In a later discussion on March 18 with Embassy officers, then-Guatemalan Human Rights Ombudsman Ramiro De Leon Carpio (later to become President) said that he had become involved in the case after

receiving discreet inquiries from a bishop and the URNG. De Leon added that when he approached the Minister of Defense (MOD) and other government officials, he was told Everardo was probably buried in an unmarked grave in Retalhuleu. De Leon's office subsequently requested and received permission to exhume the grave, but the mid-1992 proceeding was halted by then-Attorney General Acisclo Valladares, who claimed that the exhumation was illegal as no family members were present and there were no other means by which to identify the cadaver. The Embassy reported that Harbury claimed she and other international observers were present. However, Harbury was reportedly afraid to identify herself as Everardo's wife and the exhumation was not completed.

45. On March 26, 1993, according to Embassy reports, Embassy officers met with then D-2 Chief Otto Perez Molina, who confirmed that (1) the military definitely did not have Everardo and had never heard the name "Bamaca" until after the guerrilla leader's capture; and (2) Bamaca was probably buried in Retalhuleu. Perez Molina offered no further details regarding the capture of Bamaca. On March 30, 1993, the Embassy's Human Rights Officer contacted Harbury to communicate this information and offered to act as a confidential conduit for future messages between Harbury and the Guatemalan Government. Embassy reporting also indicated that Embassy officials had stressed during all conversations with Harbury and others that "our involvement in this case does not imply in any way that we are taking sides in Guatemala's armed conflict." Finally, an April 3, 1993 Embassy telegram noted that the Embassy's efforts had turned up little information not already known to Harbury and that the Embassy had no independent new information concerning Everardo's current whereabouts or status.

46. Except for general references to the claim by Cabrera and Recinos that they had seen Bamaca alive in 1992, there is no indication that any further details of their allegations were reported or made available to the Agency until November 1994, when a State officer provided an Agency officer with a copy of an October 7, 1994 sworn statement that Cabrera had made in Washington, D.C.

47. [REDACTED]

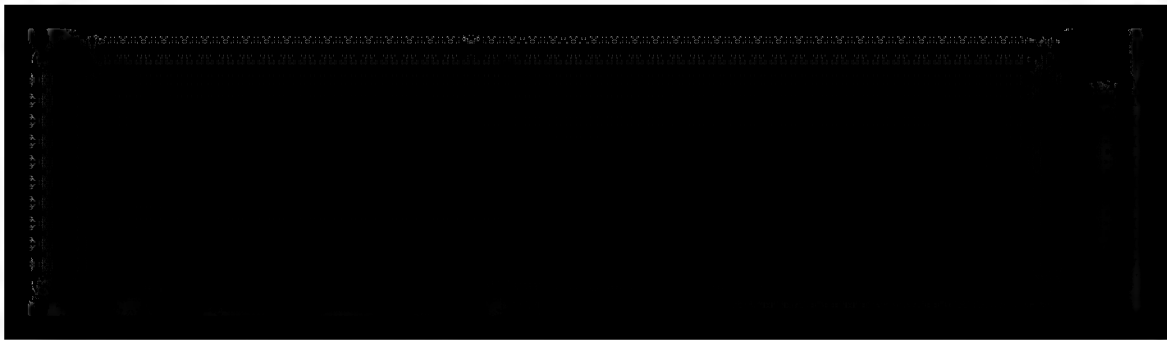
[REDACTED] Referring to a human rights group report that indicated there were clandestine jails located in Guatemala City and at some bases in the interior, [REDACTED] requested that Station officers [REDACTED] to determine if they knew about any clandestine jails that may have been used by the military to confine guerrillas or others [REDACTED]

48. [REDACTED] the Station obtained information [REDACTED]

[REDACTED] that [REDACTED] confirmed the stories being told by "Willy" and "Carlos" (referring to Recinos and Cabrera) regarding captured URNG members, including Bamaca, who were being held in clandestine prison cells by the Guatemalan military. [REDACTED] stated; [REDACTED] that Bamaca was alive in a clandestine prison in 1992. [REDACTED] acknowledged that captured URNG members were held in cells on military compounds by the Guatemalan Army, and [REDACTED] that the military used physical coercion against URNG members as part of a persuasion process to convince them to work against the insurgency. The substance of [REDACTED] report focused primarily on the clandestine detention program, not Bamaca's fate.

49. [REDACTED]

50. [REDACTED]

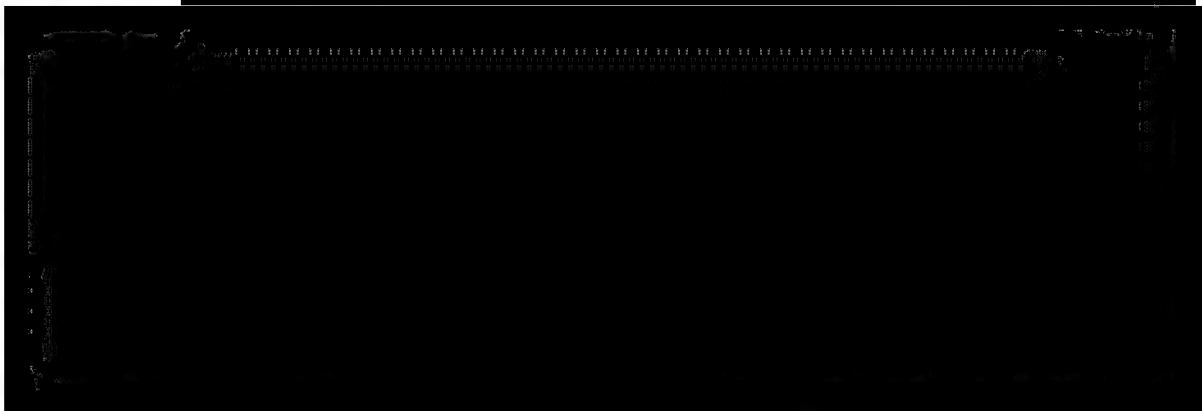


51. [REDACTED] information was not promptly disseminated. [REDACTED]

[REDACTED] the Station requested guidance on how best to disseminate the information [REDACTED] to Washington consumers. The Station request for guidance was premised on an expressed concern that precipitous Department of State action based upon the information could endanger [REDACTED] and that" [REDACTED]



52. [REDACTED]



[REDACTED] The Station added

....Equally disturbing is that [REDACTED] State desk officer was in communication with the Embassy through E-mail, and possibly [REDACTED] telephone, regarding [REDACTED] reporting and the demarche. [REDACTED] the State desk officer had no business even knowing about the information, let alone discussing it with the Embassy in a less than secure fashion. It is obvious from this that State has little regard for our controls [REDACTED]

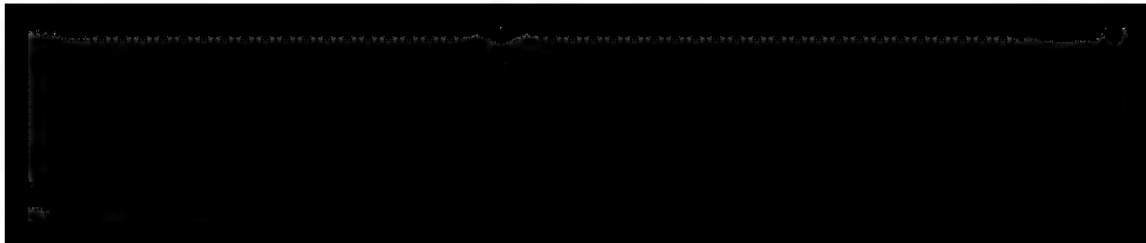
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[REDACTED]
[REDACTED] it endangers our ability to collect additional information on sensitive issues....Request HQS speak with State Department regarding source protection and what is and is not appropriate use of our reporting. If source protection problems persist, Station plans to carefully reconsider our coordination procedures with the Embassy. [REDACTED]
[REDACTED]

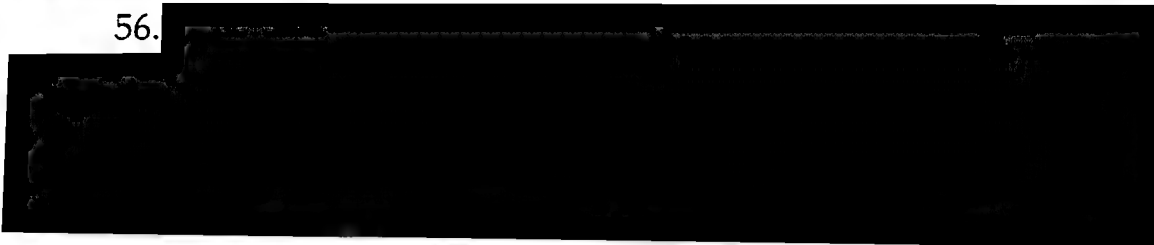
53. [REDACTED] the Station reminded the Chief, Latin America (LA) Division of its questions regarding [REDACTED] reporting and again requested guidance for dissemination of the information. The Headquarters [REDACTED] officer surmises that the [REDACTED] Station request for guidance had not been included in the Division's reports database because it was addressed directly to the Chief of the DO's LA Division [REDACTED]
[REDACTED] She adds that the [REDACTED] Station reminder may have triggered new interest in the report as the assessment of the report that was later sent to the Station expressed "thanks to the Station for its resubmission of this report."

54. [REDACTED]
[REDACTED]
[REDACTED] an ORPA member, Raul Molina, traveled to Guatemala in June 1993 to pressure the Guatemalan Government and military to prove the military's claim that Bamaca was dead. [REDACTED]
[REDACTED] the URNG leadership did not believe that Bamaca was dead. [REDACTED] the capture of Bamaca, third in command of ORPA, seriously damaged the organization, as it was forced to change safehouses, tactics, and communications procedures. [REDACTED] the URNG leadership believed Bamaca's capture and the knowledge he possessed concerning ORPA and the URNG would be extremely valuable to the Guatemalan military. Thus, the URNG believed he was still alive.

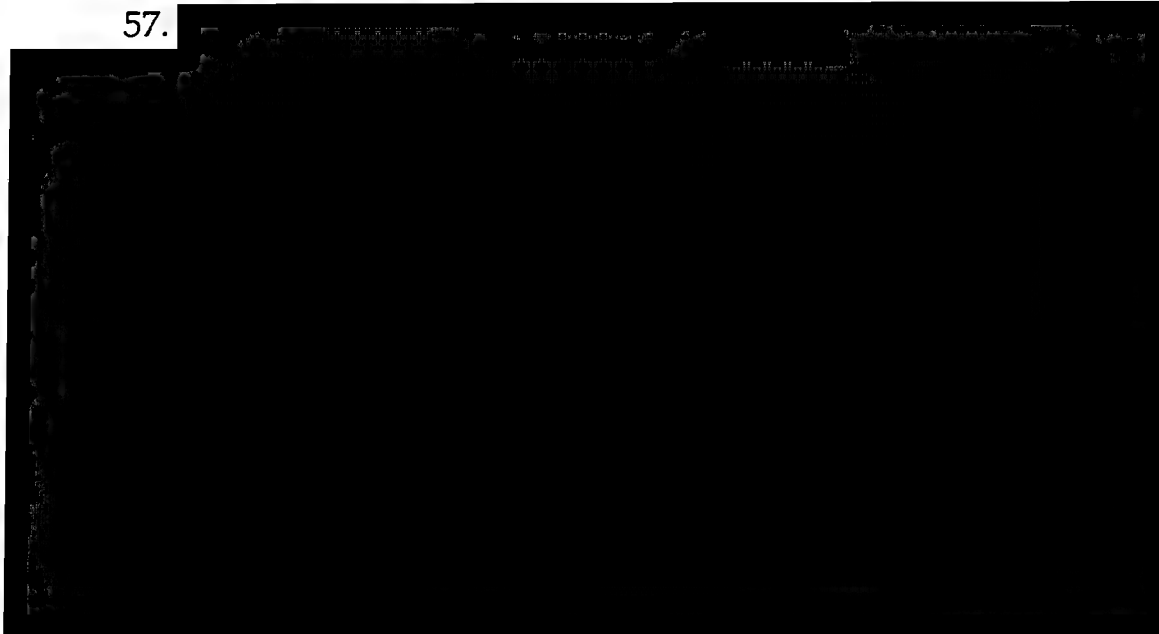
55. [REDACTED]
[REDACTED]



56.



57.



58.



59. There is no indication of further reporting [REDACTED] on the fate of Bamaca until November 1994, nor was there additional Station reporting on Bamaca until April 1994.

60. July-August 1993 Embassy Telegrams. The Department of State continued to report, however, on the activities of Harbury, who had arrived in Guatemala in July 1993, and the Embassy's efforts on her behalf. According to that reporting, on July 9, 1993 Embassy officers met with Harbury who requested the Embassy make her presence and cause known to the Guatemalan Government. Harbury had hired a well-known human rights attorney to handle her case and obtained a court order to exhume a grave in Retalhuleu Cemetery reported to contain Bamaca's body. The exhumation took place on August 17, 1993, but forensic experts concluded that the body was not that of Bamaca.

61. Three days later, according to Embassy reporting, Ambassador McAfee met with Harbury to discuss the exhumation results. In response to Harbury's request for support for her efforts, McAfee informed Harbury that she and other Embassy officers had discussed and would continue to discuss the case with the highest level officials of the Guatemalan Government, including President De Leon and MOD Enriquez. McAfee also indicated in an August 1993 telegram to Washington that "we have no evidence to confirm Harbury's claim of the ongoing detention of URNG combatants, to include Bamaca, but against that possibility [McAfee] has continued to press the issue with the [government of Guatemala]."

62. September 23, 1993 [redacted] Report. The [redacted] obtained information on [redacted] that clandestine military prisons had always existed in Guatemala. [redacted] added that insurgents captured by the Army were held incommunicado in isolated locations in different military zones, interrogated and, after the Army believed it had extracted all useful information from them, killed them and disposed of their bodies. As to Bamaca, [redacted] [redacted] during the time of the March 1992 firefight, that Bamaca had been held incommunicado, interrogated a number of times, and killed.

63. The [redacted] report was disseminated to DIA on September 23, 1993, via the [redacted] [redacted] which at the time did not include subsequent dissemination to Agency Headquarters. Consequently, the [redacted] report was not made available to Agency Headquarters until November 10, 1994, [redacted]

State, INR was also not aware of the DAO's September 1993 report.

64. A [redacted] comment was included in the report and noted that [redacted] had raised the question of clandestine military prisons with MOD Enriquez several times. MOD Enriquez had insisted there were no clandestine prisons or prisoners being held incommunicado. The [redacted] report commented further that the MOD's official response might stem from a difference in interpretation of the term "clandestine military prisons." In the minds of the Guatemalan military leadership, this term might mean a fixed, secure site where a prisoner is held, and not the semi-permanent sites that had reportedly been used for detention rather than incarceration.

65. October 14, 1993 Intelligence Report. [redacted] the Station obtained information [redacted] that recent allegations by two imprisoned former Army specialists regarding

clandestine prisons and cemeteries had caused great concern within the military. The two specialists, who had been imprisoned in connection with the DeVine killing, made public allegations that they had been part of Guatemalan Army death squads and could provide information on clandestine prisons and cemeteries operated by the Army. [REDACTED]

[REDACTED]

[REDACTED]

66. [REDACTED]

The information was disseminated [REDACTED] on October 14, 1993 to:

- U.S. Embassy, Guatemala (principal officers only);
- Exclusive for Director, White House Situation Room;
- Exclusive for the Assistant Secretary, INR and the Assistant Secretary, Diplomatic Security, State;
- Exclusive for Director, NSA;
- Exclusive for Director, DIA;
- Exclusive for Special Assistant to Secretary, Treasury; and
- Exclusive for Intelligence Chiefs of the Army, Navy, Marine Corps, and Air Force.

67. [REDACTED]

[REDACTED]

[REDACTED]

~~SECRET~~

68. November 1993 State Telegram. The Department of State reported that senior State officials Annie Patterson and John Shattuck met with Harbury in Washington in October 1993 to discuss the Bamaca case. Harbury recounted the testimony of URNG prisoners who said they saw Bamaca alive in March and July 1992 in secret army detention centers and stated that 36 URNG prisoners had been sighted alive in different places at different times. Harbury also described the exhumation in Retalhuleu of a guerrilla who the military erroneously had claimed would be Bamaca. Harbury, noting Army statements that her husband had shot himself in the mouth to avoid capture, said the cranium of the body exhumed in Retalhuleu had been smashed by rifle butts, not a bullet. Harbury said she believed Bamaca was still alive, based on a reported Guatemalan Army policy of exploiting all URNG captives for their intelligence value. Harbury placed great emphasis on Bamaca's 17 years of experience in the URNG and his close ties to ORPA leader Rodrigo Asturias and concluded that Bamaca knew too much of interest to the Army to be summarily executed.

69. State further reported that Harbury also cited a complaint she had filed in March 1993 with the Inter-American Commission on Human Rights (IACHR). The IACHR subsequently requested, in October 1993, that the Guatemalan Government take precautions to protect the lives of URNG and other prisoners who might be held in secret detention centers and to investigate all allegations regarding such cases. Harbury provided Patterson and Shattuck with copies of the IACHR's letter, which recommended that the Guatemalan Government undertake serious and effective investigations of the cases mentioned in Harbury's complaint, including interrogation of witnesses by independent experts to guarantee impartiality.

70. Neither [REDACTED] nor other Embassy or [REDACTED] reports available to the Agency during 1993 implicated any individual by name in the interrogation or killing of Bamaca.

71. January 1994 Embassy Telegram. The first mention of Alpirez in connection with Bamaca's fate was made by Harbury in

January 1994. According to Embassy reporting, Harbury returned to Guatemala in January 1994 and met with Ambassador McAfee to discuss her new proposal to seek the release of Bamaca and other URNG combatants in exchange for a "no-fault" pledge by various groups interested in Guatemalan human rights. According to Embassy reporting, during a meeting on January 12, 1994, Harbury noted that she had obtained a list of Guatemalan military graduates of the School of the Americas, located in Fort Benning, Georgia. She further maintained that two persons on the list, Colonel Julio Roberto Alpirez and Major Mario Sosa Orellana, were identified by witnesses, not further identified in the Embassy telegram, as having supervised Bamaca's torture at one of the military bases where he had been held. Harbury told McAfee she was contemplating filing criminal charges against them in Guatemalan courts, although she preferred to pursue a negotiated solution before resorting to the courts. McAfee indicated that, while the Embassy had not reached any definitive conclusion on the validity of Harbury's charges, her accusations did raise serious questions that must be addressed by the Guatemalan Government. She pledged the Embassy's continued support in pushing the Guatemalan Government to investigate the fate of Bamaca and any other detainees.

72. May 2, 1994 Intelligence Report. [REDACTED]

Station obtained information [REDACTED] that Alpirez [REDACTED] [REDACTED] had been assigned to an Army unit based in San Marcos in Military Zone 18, in March 1992 when Bamaca, a.k.a. "Comandante Evarardo" (sic), was captured. Because of Bamaca's relatively high rank within ORPA, Alpirez reportedly [REDACTED] had personally interviewed Bamaca before D-2 officers took Bamaca away shortly after his capture. [REDACTED] it was the last time [REDACTED] heard anything about Bamaca's whereabouts or status. [REDACTED]

[REDACTED]

[REDACTED]

73. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] Bamaca was in good, if not excellent, health after his capture. [REDACTED]

[REDACTED]

[REDACTED]

74. [REDACTED]

[REDACTED]

75. [REDACTED]

[REDACTED]

76. The information, [REDACTED]

[REDACTED] was disseminated [REDACTED]

[REDACTED] on May 2, 1994 to:

U.S. Embassy, Guatemala (Charge d'Affaires only);
Exclusive for Director, White House Situation Room;
Exclusive for the Assistant Secretary, INR and the
Assistant Secretary, Diplomatic Security, State;
Exclusive for Director, NSA;
Exclusive for Director, DIA;
Exclusive for Special Assistant to Secretary, Treasury; and
Exclusive for Intelligence Chiefs of the Army, Navy,
Marine Corps, and Air Force.

77. [REDACTED]

[REDACTED]

78. [REDACTED]

[REDACTED]

[REDACTED]

79. The Station responded in August 1994 that it understood that the [REDACTED] report described events that took place two years earlier, [REDACTED]

[REDACTED]

[REDACTED] The Station further commented that the Bamaca issue was still of extremely high interest to U.S. policymakers [REDACTED]

[REDACTED]

80. [REDACTED]

[REDACTED]

81. [REDACTED]

[REDACTED]

[REDACTED]

82.

[REDACTED]

83.

[REDACTED] officers had reportedly been sent out to all military zones for the purpose of destroying all reports held by the zones that could implicate the Army in human rights violations. [REDACTED]

[REDACTED]

84.

[REDACTED]

85. The information was sent to Headquarters by the Station [REDACTED] and disseminated as an intelligence report [REDACTED] to: [REDACTED]

U.S. Embassy, Guatemala (principal officers only);
Exclusive for Director, White House Situation Room;
Exclusive for the Assistant Secretary, INR and the
Assistant Secretary, Diplomatic Security, State;
Exclusive for Director, NSA;
Exclusive for Director, DIA;
Exclusive for Special Assistant to Secretary, Treasury; and
Exclusive for Intelligence Chiefs of the Army, Navy,
Marine Corps, and Air Force.

86. [REDACTED]

87. May 12, 1994 Intelligence Report. Information corroborating [REDACTED] report of document removal was provided by [REDACTED] on May [REDACTED] 1994. [REDACTED] Guatemalan MOD Enriquez had given verbal orders to a private meeting of military zone commanders to identify clandestine cemeteries for removal and to purge intelligence-related documents. [REDACTED]


88. The information was reported to Headquarters by the Station on May 11, 1994 and disseminated [REDACTED] to:

~~SECRET~~

U.S. Embassy, Guatemala (principal officers only);
Exclusive for Director, White House Situation Room;
Exclusive for the Assistant Secretary, INR and the
Assistant Secretary, Diplomatic Security, State;
Exclusive for Director, NSA;
Exclusive for Director, DIA;
Exclusive for Special Assistant to Secretary, Treasury; and
Exclusive for Intelligence Chiefs of the Army, Navy,
Marine Corps, and Air Force.

89. 



90. June - September 1994 Embassy Telegrams. According to Embassy reporting available to the Agency at the time, Harbury returned to Guatemala in May 1994 and met with Embassy officials. During the first meeting, on May 24, 1994, Harbury asked for an account of Embassy reports and findings, if any, on her case. She was told that Embassy officers regularly prodded their Guatemalan Government contacts for action and answers on all unresolved human rights cases of interest to the U.S. Government. Harbury was also advised by the Consul General and  that the Embassy was unaware of any new information regarding Bamaca's whereabouts. Harbury then requested that the Embassy arrange a meeting with President De Leon so that she could propose a compromise solution to him personally. Harbury's offer involved moving Bamaca and 35 others to a public prison where she and an United Nations representative could visit and monitor their welfare until their release. In return, Harbury would drop her campaign against the Guatemalan Government and criminal charges against Guatemalan military members. Ambassador McAfee requested such a meeting, but, President De Leon was not able, or not inclined, to meet with Harbury.

91. During subsequent May 1994 meetings with Embassy officials, Harbury noted that MOD Enriquez, whom she had met in Washington, hinted that Bamaca was alive and being held by the Army. [REDACTED] responded that he had never heard the MOD infer that Bamaca or any other prisoner was alive. Harbury replied that she "was reading between the lines, but correctly; she believed Enriquez was suggesting the possibility of openness to a negotiated solution."

92. After again meeting with MOD Enriquez in Guatemala, Harbury met with Ambassador McAfee and others from the Embassy on May 30, 1994. Harbury said that, during her meeting with MOD Enriquez, he was purposely and discreetly sounding her out on compromise solutions. [REDACTED] cautioned Harbury that the MOD might only be playing an elaborate mental chess game with her and emphasized that the Guatemalan Army has never admitted that it ever held Bamaca. Thus, it would appear strange and illogical that the armed forces would do so now and in this way. Harbury dismissed this and repeated her claim that the MOD was sounding her out. In documenting the details of Harbury's May visit to Guatemala, the Embassy noted Harbury's insistence that Bamaca was alive and being held by the Army but that the Embassy had no information to support her belief.

93. During a meeting three months later with McAfee and Deputy Assistant Secretary of Defense for Inter-American Affairs Mari-Luci Jaramillo, MOD Enriquez said that "perhaps Bamaca is alive somewhere, because it is only in URNG interests that he continues to be (sic) disappeared." He speculated that Bamaca could be in Chiapas with the Zapatista guerrillas since there was reportedly an ORPA unit there. He also said Bamaca could turn himself in to the U.N. Human Rights Verification teams arriving in Guatemala, if Bamaca were still alive outside of Army control. MOD Enriquez stated emphatically, however, that the Army did not have Bamaca and reiterated that he had no idea where Bamaca was.

94. Additional Embassy reporting during the summer of 1994 addressed the Bamaca case. In a June 1994 telegram assessing De Leon's performance during his first year as President, the Embassy noted that De Leon had immediately shown his commitment to human rights upon taking office. He had, for example, dismantled the "Archivos"—the Presidential security staff that was reportedly responsible for many abuses—broken tradition by appointing a civilian police director, initiated reforms such as human rights training, and removed military personnel from the national police. Nonetheless, these measures, coupled with an increased atmosphere of toleration for dissent, had failed to reduce the number of reported abuses committed in 1993 or to remedy the lack of progress in resolving older, high profile human rights abuse cases. In the Bamaca case, the Embassy noted that the lack of results was partly due to factors beyond the President's control, such as the passage of time, incomplete preliminary investigations, lack of evidence, etc., but was in greater part because of "the impenetrable wall of silence maintained by the military on cases involving their institution, a silence De Leon has not broken through."

95. 

96. [REDACTED]

[REDACTED]

97. [REDACTED]

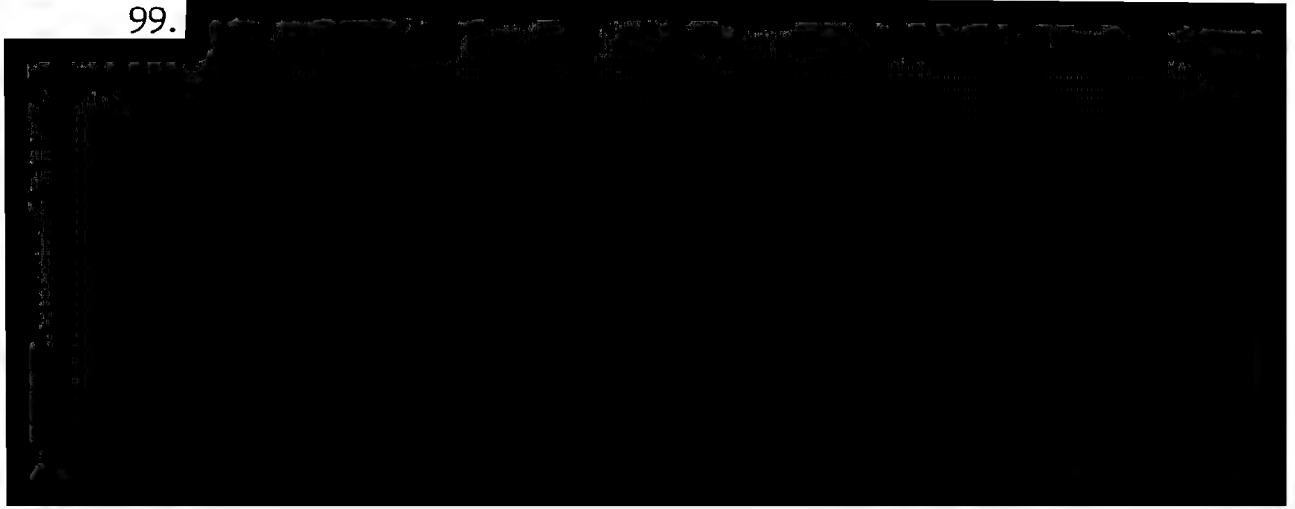
[REDACTED] commented that the testimony of the two guerrillas in Geneva that they had seen Bamaca alive in a clandestine prison was a fabrication. [REDACTED] Bamaca died shortly after being wounded in the firefight with government forces that had resulted in his capture.

98. [REDACTED] the Station advised the DO at Headquarters of this information [REDACTED]

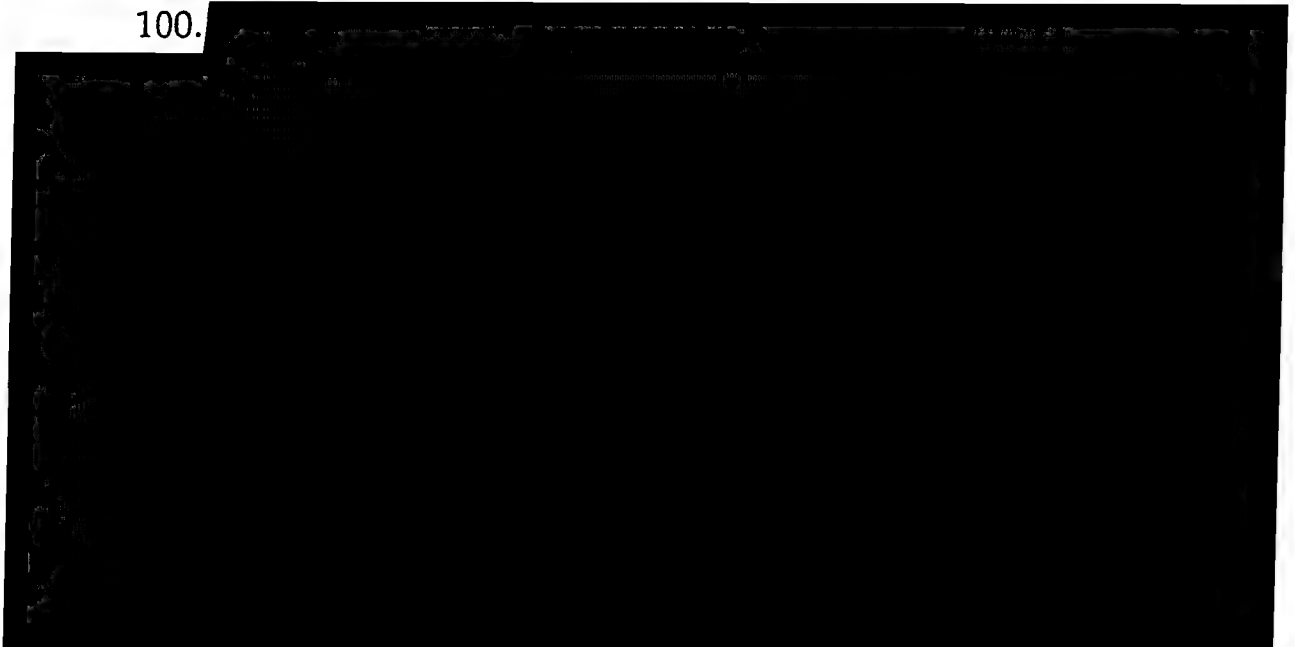
[REDACTED]



99.



100.



[REDACTED]

101. August 18, 1994 Station Report. On August 18, 1994, the Station informed the DO at Headquarters that [REDACTED]

[REDACTED] was convinced that Bamaca was killed in a firefight with Army troops in March 1992

[REDACTED]

[REDACTED] also said that the two guerrillas who escaped and testified in Geneva did so for political reasons in support of URNG propaganda objectives. [REDACTED]

[REDACTED]

102. [REDACTED]

[REDACTED]

[REDACTED] There was no further dissemination of [REDACTED] information because, as a Headquarters reports officer recalls, [REDACTED] information was viewed as speculative and based on rumor.

103. October 7, 1994 Statement by Cabrera. On October 7, 1994, Cabrera, also known as "Carlos," provided a sworn statement in Spanish to an attorney in Washington, D. C., detailing the events surrounding his capture and imprisonment by the Guatemalan military. [REDACTED] an Agency analyst [REDACTED]

[REDACTED] recalls that Cabrera was in Washington to testify before a session of the OAS. [REDACTED] and Peg Willingham, the Department of State's Guatemala desk officer, had planned to attend the OAS session but were unable to do so as Cabrera's testimony was taken in a closed session. [REDACTED]

[REDACTED]

[REDACTED] nor any Agency Headquarters officers were aware

of the existence of Cabrera's statement until Willingham provided a copy [REDACTED]
[REDACTED]

104. [REDACTED] Willingham gave no indication of when or from whom she received the statement. He believes, however, that Harbury or her attorney provided the statement to Willingham as Cabrera's statement was sworn and notarized in the law offices of Harbury's attorney.

105. [REDACTED]
[REDACTED]

[REDACTED]. In addition, Embassy reporting indicated that Cabrera's statement was faxed to it from State, INR on November 2, 1994, and that this was the first time the Embassy had received an actual text of Cabrera's declarations. [REDACTED]
[REDACTED]
[REDACTED]

106. According to Cabrera's statement, in May 1989 he joined ORPA's Luis Ixmata front, headed by "Commander Everardo," and served as a combatant until his capture by the Guatemalan military in March 1991. Held captive until December 1992, Cabrera says he was moved several times between Guatemalan military detachments and subjected to interrogations, beatings, and physical and psychological torture. After some months in captivity, Cabrera said he was forced to collaborate with the G-2 and participate in military operations, which eventually led to his arrival at Santa Ana Berlin in Coatepeque in the Quetzaltenango Department on March 12, 1992. While there, Cabrera indicated that he heard G-2 officers mention that they had captured "Commander Everardo" during combat in Nuevo San Carlos, Retalhuleu Department. One G-2 officer, Simeon Cum Chuta, asked another former combatant in the Luis Ixmata front named "Augusto" if he could identify Everardo.

107. Cabrera's statement, translated into English, describes his first sighting of Everardo in captivity and offers specific details

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concerning his incarceration. The full text of Cabrera's statement, relative to Bamaca and his fate, is as follows:

On March 12, we arrived at Santa Ana Berlin, Coatepeque, Quetzaltenango. I heard the G-2 members, including Simeon Cum Chuta, comment that they had captured Everardo in combat in Nuevo San Carlos, Retalhuleu. Simeon Cum Chuta told Augusto in my presence that they had captured Everardo of the URNG. Cum Chuta asked him if he could identify [Everardo], and Augusto said yes (since before he became a collaborator he was a combatant in the Luis Ixmata Front, whose commander was Everardo). Cum Chuta then invited Augusto to accompany him so [Augusto] could identify Everardo.

I followed Cum Chuta and Augusto, since Everardo had been my commander and I wanted to see him. I saw Everardo with my own eyes. He was reclining in a metal bed, handcuffed, and with his feet tied with a rope. At that time, I did not notice any wound on him. Everardo saw me but did not greet me. Neither did I greet him, for caution's sake. Augusto identified him, an act which greatly pleased Cum Chuta. "Augusto" spoke to Everardo against the URNG, I believe for the purpose of ingratiating himself to Cum Chuta and Captain Laco who was also present. They say that Captain Laco was from the staff headquarters in the capital.

At that juncture, Captain Laco asked me if I had anything to say. I said no and the Captain then asked me to leave. I left.

A soldier with the surname Ochoa (originally from the Goritiza plantation) told me that Everardo had been captured by a unit of the 3rd Battalion of San Marcos Department whose officer-in-charge was Colonel Barahona. A captain whose name I do not know was in charge of that unit.

I found out from Ochoa that, upon capturing Everardo, the Army took him to the Nuevo San Carlos military detachment. A few moments later, Everardo was taken by helicopter to Santa Ana Berlin. All of this was related to me by members of the G-2. Even Everardo himself told me so when I spoke to him in the days that followed.

For 20 days, I continued to see Everardo at Santa Ana Berlin. He was also seen by other prisoners such as "Karina," "Augusto,"

"Bayardo," "Garo," and "Neto." He was subjected to interrogation by members of the G-2, whose pseudonyms were "Kaibil" or "Chato," and Captain Laco. They had arrived from the capital. He was also guarded by the previously cited G-2 specialist, Simeon Cum Chuta; Rene Alfaro Loarca, also from the G-2; and, "Fernando" (his legal name is Pedro Juarez Cabrera), from the G-2 in Santa Ana Berlin. The specialist Molina was also on hand.

I noticed that Everardo was subjected to interrogation day and night. I heard Major Soto, from the G-3 (Operations), verbally abuse him, offering him death by stabbing or hanging. I saw the major put his pistol in Everardo's face, shouting to him that he was going to kill him. He wanted to break Everardo's spirit.

Two or three days later, I saw Everardo clad in Army garb. The Army had forbidden anyone to talk to him. There were always G-2 agents guarding him. Even so, I managed to talk to him. On one occasion when I was the only one watching over Everardo, I managed to have a conversation with him. He recognized me since I had served in the Luis Ixmata front for a year and nine months under his command. With tears in his eyes, he asked that I make known his capture before the human rights groups. I promised to help him, but told him that he should be careful with others among the captured combatants (such as "Karina" and "Augusto").

Since I was not at liberty to leave the military base by myself, I could not make the statement with regard to Everardo's capture.

On or about April 15, 1992, I saw Simeon Cum Chuta turn over Everardo to four persons clad in civilian attire and arriving by helicopter. I personally saw Everardo leave the base at Santa Ana Berlin in that same helicopter.

Later on, I saw the report prepared by Simeon Cum Chuta, stating that the helicopter that took Everardo away was headed for the nation's capital.

On 30 April 1992, at 2400, the Guatemalan Army Chief of Staff sent messages to the operations commanders and those of the G-2. They stated that the military operation had been terminated. That same day, the prisoners (myself included) were sent to the bases where we had been previously held. I returned to San Marcos Department (the administrative center).

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In late May or early June 1992, Major Mario Sosa Orellana from the G-2, rounded up the prisoners of war along with the members of the G-2. He told us that matters had to be handled in a more clandestine fashion and that, if we were to see something happening in the G-2, it was not to be talked about, even to the soldiers. Then, he told us that Commander Everardo was dead. He said that he had tried to escape, that they had captured him, and shot him. Upon stating that, he looked at our faces to determine who among us was assailed with sadness.

In July 1992, I was in Military Zone 18, San Marcos Department. About 18 July, I again saw Commander Everardo at Military Zone 18 in San Marcos Department. I saw him in the G-2 dormitory, handcuffed to the same bed to which I had previously been handcuffed. That same evening, Colonel Julio Alpirez, the third commander of Military Zone 18 in San Marcos Department, arrived. Major Mario Sosa Orellana, a major in the G-2, was also there.

The colonel instructed the Major that Everardo did not have to be there with us, the other prisoners of war. They took him to a secret room of the military infirmary. They prohibited us from coming near there and talking with Everardo.

Prior to being transferred to the infirmary, Everardo had spoken with "Karina." He had told her that, prior to his arrival in San Marcos Department, he had been in Military Zone 1815 in Quetzaltenango, the previous June. "Karina" related this to me.

I do not know if it was an act of carelessness, but, that night, they dispatched two G-2 soldiers with me and a specialist to tend to Everardo. I saw Everardo in that room of the infirmary. He had both his hands handcuffed to a double bed and his feet bound.

At daybreak the next day, Colonel Julio Alpirez came on the scene again. Upon seeing me, he inquired why I was there. He ordered me to leave and told me: "You saw what was happening here. Be careful and don't go telling anyone that Everardo is here."

That same day in the evening, G-2 Major Sosa Orellana arrived and ordered the specialist Juan Orozco Giran to bring in the medical team from the regional hospital that is subordinate to Military Zone 18. The specialist made his exit and returned with a gas, unidentified, green in color, with a silver clock on top and

some valves serving as indicators. I helped to get it down. They handed over the dispatch to Major Sosa, stating that the team had already arrived and that the doctor was on his way in his own vehicle.

Then, Sosa Orellana said: "We have to take this to where Everardo is." Everardo spent the night with the agents from the G-2. We were not permitted to enter. The next day, G-2 specialist Simeon Cum Chuta sent me to get a typewriter from that room of the infirmary. The door had been locked and there were three soldiers nearby. They opened the door for me and I entered. From the inside, Colonel Alpirez turned to me and said: "You, what are you doing here?" I told him that I had been ordered by Cum Chuta. Specialist Gualip was there and stated that it was his fault for not having the typewriter previously. The Colonel told me: "You're the only one who came in yesterday and now you've come in again. Be careful that you don't divulge what you've seen here. I don't want to hear reports to the effect that Everardo is in that condition, tied up. If you talk, you know what will happen to you."

G-2 specialist Rene Jimenez Rosales and G-3 operations officer, Major Soto, were also present.

They were interrogating Everardo there. I heard Everardo, as if he were [half] asleep or drugged. He had on only his underclothing. His entire body was swollen. His right arm and his left leg were entirely covered with bandages. He was bandaged about the eyes as well. The gas tank was near him.

One or two days later, I again saw Everardo. He was clad in a soldier's uniform and I could not see his arm or leg. But, his body was no longer inflamed. He was once again speaking normally.

That is the last time that I saw Commander Everardo. I left the base for a few days and when I returned, he was no longer there.

108. October 1994 Embassy Telegrams. On October 8, 1994, a day after Cabrera delivered his sworn statement in Washington, Harbury returned to Guatemala. On October 11 she initiated a hunger strike in front of the national palace in Guatemala City.

According to available Embassy reporting, Harbury told the Consular Officer who visited her that she planned to continue her hunger strike until Bamaca was presented alive or until she was given a firm answer regarding his whereabouts. The Consular Officer emphasized that the Embassy continued to place priority on her case, and noted that the Ambassador and the rest of the Embassy staff raised the Bamaca case with their contacts at every opportunity. The Consular Officer also emphasized that, despite Harbury's assertions to the contrary, the Ambassador and other Embassy officials with whom Harbury had met in the past had been completely candid with her with regard to Embassy efforts to obtain information concerning Bamaca's whereabouts and the Embassy's lack of any independent evidence regarding his fate.

109. On two separate occasions in 1994, October 12 and October 16, Ambassador McAfee also visited Harbury. Harbury told McAfee emphatically that all assistance to Guatemala should be cut off until the Bamaca and other human rights cases were resolved. McAfee responded that military aid had been cut off years earlier, but that the Embassy continued to believe that institutional change and its necessary funding should continue in order to improve the overall conditions that would affect the future human rights situation. The Embassy also reported that, on October 11, in the Guatemalan Government's only public statement during Harbury's hunger strike, MOD Enriquez restated the Army's position that it did not know where Bamaca was and that, if the military did have him, they would surely have presented him long ago to the Human Rights Ombudsman's office.

110. 


[REDACTED]

111. October 24, 1994 Agency Analysis. Until to October 19, 1994, [REDACTED] the Station had not been tasked [REDACTED] to provide a summary of its holdings on Bamaca. [REDACTED]

[REDACTED] that the Station had been tasked by DCM Keane to pull together its information [REDACTED] concerning Bamaca, a.k.a. "Comandante Evarardo" (sic), so that Keane could draft a "definitive" Embassy statement. According to the Station, Keane indicated that the Embassy statement had been requested for the NSC and the White House, both of which were receiving telephone calls from Harbury supporters alleging that the U.S. Government had not pursued Harbury's view that Bamaca was still alive and being held in a clandestine army jail. [REDACTED] it was under an October 21 deadline, [REDACTED]

[REDACTED]

112. In response to Keane's tasking, then-COS [REDACTED] produced a classified memorandum that [REDACTED] [REDACTED] indicated that [REDACTED] alias "Comandante Evarardo," (sic) contained two intelligence reports--(1) [REDACTED] had confirmed as true the claims of two escaped URNG members that they saw Bamaca alive; and (2) the May 2, 1994 report that [REDACTED] (Alpirez) had interviewed Bamaca after his capture and before D-2 officers took him away. In addition to the report summaries, [REDACTED] memorandum [REDACTED] included copies of the two intelligence reports as attachments. [REDACTED] memorandum included the conclusion that [REDACTED]

the best information available to the Station indicated that Bamaca was captured alive in early 1992 but the Station had no information regarding whether Bamaca was still alive.

113. Later, on [REDACTED] the Station provided a second classified memorandum [REDACTED] This memorandum included the DI analysis that had been faxed to the Station and was based on information that had been retrieved from Agency files by searching under Bamaca and "Everado" (sic). The analysis, drafted by DI Office of Africa and Latin America (DI/ALA) Guatemalan analyst [REDACTED] addressed the issue of clandestine prisons, as well as Bamaca's fate, and was derived from previously disseminated Agency intelligence reports, except for the March 18, 1992 intelligence report on "Everardo."

114. According to [REDACTED] the analysis was initiated at the request of the NSC. Prior to its issuance to the NSC on October 24, however, Diaz faxed a copy to the Station [REDACTED] based on the Station's separate request for analysis. In preparation for the analysis, [REDACTED] had initiated an electronic search for DO intelligence reports, using as search criteria the names of Bamaca and "Everado" (sic). As Everardo was misspelled [REDACTED] search did not retrieve the March 18, 1992 report indicating that Everardo had been captured alive, was in good health, and was cooperating with the Guatemalan military. Thus, the March 18, 1992 report was not included in the DI analysis that was faxed to the Station and issued as an intelligence analytic report on October 24, 1994.

115. [REDACTED] the [REDACTED] Guatemalan [REDACTED] referred to but not named in the May 2, 1994 report, was also not identified in the Station's first memorandum [REDACTED] Nor did the second memorandum [REDACTED] or the DI analysis discuss the March 18, 1992 report that Everardo had been captured by the Guatemalan Army in good condition and was cooperating fully with his captors. According to the Station reports officer, the Station had no knowledge of that report until November 7, 1994 when it was faxed to the Station by Headquarters.

116. [REDACTED] also recalls that he was in touch with Department of State officers Willingham and Savastuk during the same time period, and all three were comparing reporting that State and the Agency had uncovered. [REDACTED] adds that he did not consider Cabrera's October 7 statement significant when he was drafting the October analysis on Bamaca and his fate. [REDACTED] notes that Cabrera named numerous senior Guatemalan officers and noncommissioned officers in his statement detailing the interrogation of Bamaca. According to [REDACTED] Alpirez was only one of several officers mentioned by Cabrera, and Alpirez was not the most senior officer named. Regarding the October 24 analysis, [REDACTED] emphasizes that he and the DI/ALA were asked to focus on what happened to Bamaca, rather than identifying the person or persons responsible for his disappearance or death.

117. The DI analysis [REDACTED] was sent to the Station [REDACTED] and disseminated to the NSC on October 24, 1994 [REDACTED]

[REDACTED]

118. On the subject of Bamaca's fate, the DI analysis offered as possibilities that (a) the Army may have kept Bamaca alive and turned him against his former comrades; (b) Bamaca may have died of battlefield wounds and been buried in an as-yet unidentified grave; or (c) the Army may have executed Bamaca after it extracted whatever information it could from him. The analysis concluded, however, that "ALA does not have enough information to ascertain whether he is still alive." With minor editorial changes, the DI analysis previously faxed to the Station was published as an ALA intelligence report on October 24, 1994, and disseminated to various Agency components and:

Director, Inter-America Affairs, NSC;
Deputy Assistant Secretary, InterAmerican Regional Affairs,

Central American Affairs, State;
Director, Office of Central American (CA) Affairs, State;
Special Assistant to the Secretary of State;
Guatemala Desk Officer, State; and
Guatemala INR Analyst, State.

119. As explained above [REDACTED] was unaware, when he drafted the DI analysis, of the March 18, 1992 intelligence report indicating that Everardo had been captured alive and was cooperating fully with the Army. [REDACTED] did utilize the May 2, 1994 intelligence report indicating [REDACTED] had interviewed Bamaca after capture, [REDACTED]
[REDACTED]

120. October 1994 State and Embassy and State Telegrams.
The Embassy reported that DCM Keane had been apprised on October 26, 1994 by the Guatemalan Prosecutor General, Acisclo Valladares, that a habeas corpus writ was to be filed with the Guatemalan Supreme Court and would require an investigation into Bamaca's whereabouts. Valladares acceded to Keane's request for an investigation, to include interviews with all persons who participated in the March 1992 firefight after which Bamaca disappeared, with the involvement of international representatives to lend credibility outside Guatemala to the investigation. During the reported meeting with Keane, Valladares also said that he had called on Harbury twice and interviewed her. According to Valladares, Harbury's position was that the Army was the only real power in Guatemala and, thus, she discarded the notion of an investigation by Guatemalan authorities or any international entity. Rather, what Harbury proposed to Valladares was a "negotiation" with the Army. Valladares told Keane that Harbury's approach was unacceptable, as she was disregarding the entire Guatemalan legal system in favor of some sort of political negotiation with the Army.

121. Valladares indicated to Keane that President De Leon also rejected Harbury's approach. According to Valladares, President De Leon had told him that Harbury had twisted the facts. De Leon offered as an example her assertions that De Leon as Human Rights Ombudsman provided a description of Bamaca in connection with the exhumation in 1992 that originated with the Army. De Leon said, however, that the description of Bamaca was provided to him by URNG members who requested De Leon's intercession to try and locate Bamaca. On October 27, 1994, President De Leon announced that he had appointed Cesar Alvarez, Guatemalan Ambassador to the OAS, to coordinate the investigation concerning allegations that the Guatemalan military was holding guerrillas, including Bamaca, in clandestine detention.

122. October 28, 1994 Intelligence Report. [REDACTED]

[REDACTED] the Station obtained information [REDACTED] that the March 1992 capture of Bamaca was viewed as a great success [REDACTED] because Bamaca was the only important indigenous guerrilla leader at that time. All other guerrilla leaders were of mixed Spanish descent. Thus, the armed forces believed Bamaca's capture represented a severe blow to URNG morale.

[REDACTED] said that Bamaca sustained serious wounds during the firefight that resulted in his March 1992 capture and died of his wounds shortly after [REDACTED]

123. [REDACTED] reported the Guatemalan Government first realized Bamaca's capture and death would become a political propaganda issue for the URNG when the two escaped guerrillas appeared before the Human Rights Commission in February 1993 claiming to have seen Bamaca alive in a clandestine prison inside Guatemala. At the time, [REDACTED] recommended to President

Serrano that the Government work to prevent the Bamaca case from becoming a contentious issue by going on the offensive and making public details of numerous credible reports of the presence of foreign advisors, including Americans, with URNG guerrilla combat and political front groups. [REDACTED] Serrano refused.

124. [REDACTED]

[REDACTED] The Station sent the information [REDACTED] to Headquarters on October 27, 1994, ascribing the information to a [REDACTED] This information was disseminated [REDACTED] to:

U.S. Embassy, Guatemala;
White House Situation Room;
State, INR;
NSA;
DIA;
Treasury;
USCINCSO; and
Intelligence Units of the Army, Navy, Marine Corps, and
Air Force.

125. [REDACTED]



126. [REDACTED]



127. November 1, 1994 Meeting at Department of State. On November 1, 1994, five Agency officers, including [REDACTED] his supervisor [REDACTED] and [REDACTED] LA Division officers, attended a meeting with Department of State personnel to discuss the Bamaca matter. In preparation for the meeting, the Headquarters [REDACTED] reports officer recalls that she was asked to pull together DO information related to reporting on Bamaca [REDACTED]

128. The reports officer reviewed DO files and prepared a [REDACTED] brief description of reporting concerning Bamaca [REDACTED]



129. The Headquarters [REDACTED] reports officer was not aware of an October 1991 intelligence report alleging that Alpirez had been present at the interrogation of DeVine and says she did not know who DeVine was. [REDACTED]

130. The reports officer forwarded the memorandum to her supervisor and to the [REDACTED] desk officer, who included handwritten comments, referring to the October 1991 report that Alpirez had been present at DeVine's interrogation, [REDACTED]

131. In addition to the five Agency representatives, State officers in attendance at the November 1 meeting, called at the request of State, were Anne Woods-Patterson, Deputy Assistant Secretary of State for InterAmerican Regional Affairs/Central American Affairs (ARA/CEN); Richard Nuccio, Special Assistant to Assistant Secretary of State Alex Watson; Willingham and Savastuk. According to [REDACTED] the State officials wanted to know what the Agency knew about Bamaca and his fate because they had been dealing with Harbury, and the television show "60 Minutes" was about to broadcast a story on her hunger strike. [REDACTED] was the primary Agency briefer at the meeting and says he explained the information available to him at the time, largely drawn from his October 24 analysis. [REDACTED] recalls that State's questions centered on two issues; first, what happened to Bamaca, that is, did Bamaca die on the battlefield as the Guatemalan Government maintains; and second, whether the Guatemalan Government maintains clandestine prisons. [REDACTED] assessment, as conveyed to the State officials, was

that there was not sufficient information available to determine whether Bamaca was alive, and the accusation that the Guatemalans maintained clandestine prisons could not be easily dismissed.

132. One of the Agency officers in attendance recalls that Nuccio, described as the U.S. Government "point man" on peace talks in Guatemala, was astounded at what the Agency knew about the Bamaca matter. According to the officer, Nuccio was upset and indicated that he had possibly been providing erroneous information to Congress and others. The officer adds that Nuccio did not elaborate regarding the erroneous information. Further, the Agency officer's impression was that Nuccio had not taken Harbury's claims seriously and he was unaware of intelligence reports previously disseminated by the Agency to State, INR and detailed in the October 24 Agency analysis. Nuccio also implied during the meeting that he had material in boxes under his desk dealing with the Bamaca issue that he had not had time to read, including photocopies of faxes between former Guatemalan Human Rights Ombudsman De Leon (by now Guatemalan President) and the URNG. Another Agency officer remembers that Nuccio seemed unprepared and said at one point that he had previously met with URNG representatives and wished he had known of the information discussed by Agency officers at the time of those meetings.

133. Immediately after the November 1 meeting, Willingham, who knew and had worked with DI analyst [REDACTED] provided him with a copy of the October 7, 1994 sworn statement in Spanish from Santiago Cabrera Lopez. [REDACTED] says that he and Willingham were both aware that Cabrera, one of the formerly imprisoned guerrillas who had testified before the U. N. Human Rights Commission in February 1993, was scheduled to testify before a session of the OAS. Willingham and [REDACTED] planned to attend the OAS session but did not because Cabrera's testimony was taken during closed session. Soon after [REDACTED] received the statement from Willingham, [REDACTED] prepared a summary English translation of Cabrera's statement and provided copies of the summary and Cabrera's statement to LA Division.

134. As noted previously, there is no indication that Cabrera's actual declarations in Geneva in February 1993 were ever available to or recorded by Agency or State components, except for the general reporting that he had seen Bamaca at a clandestine Army prison in 1992. The Agency DI analyst [REDACTED] has said that he does not believe a record of Cabrera's Geneva testimony exists, and the analyst confirms that he, and [REDACTED] counterparts at the Department of State, have assumed that Cabrera's Geneva testimony was identical to the declarations included in the October 7, 1994 statement offered by Cabrera in Washington, D.C.

135. Shortly after the November 1 meeting, one of the Agency officers in attendance was telephoned by a State officer. The State officer apologized for a memorandum that was being forwarded to the Agency complaining about the meeting. According to the Agency officer, the State officer indicated that the memorandum describing the meeting initially was favorable but had become "politicized" as it went up the State chain of command.

136. Two days after the November 1 meeting, the State memorandum for the record regarding the meeting, from Savastuk through David Smith to Robert Homme, was forwarded to John Allen, the National Intelligence Officer (NIO) for Latin America. In referring to the November 1 meeting, the memorandum stated that "ARA is disappointed with the results of Tuesday's 90 minute meeting and believes the CIA representatives were not entirely forthcoming in discussing the reliability of sources of its memos and TD's, or willing to fully employ existing collection capabilities to develop new information that may be available." The memorandum further indicated that INR was requesting Homme's assistance on behalf of ARA in "urging all relevant CIA offices to undertake the following, and to do so on a priority basis:"

- (a) Explain in detail and in writing the previous and current reliability of all sources and sub-sources used in producing the memos and TD's relating to the Bamaca case in 1992-94, and whether those sources can be called upon again to offer or obtain additional information;

(b) [REDACTED]

(c) Review the 1993 testimony of Santiago Cabrera Lopez before the U. N. Human Rights Commission and investigate/verify the names of Guatemalan military officers and locations of clandestine army prisons referred to therein;

(d) Investigate the reports of the two Guatemalans now serving 30 year prison terms in connection with the Michael DeVine case who claim to have knowledge of the Bamaca matter;

(e) Intensify collection activity to verify the current or previous existence of--most importantly--clandestine military prisons and also clandestine cemeteries used by the military for burial of guerrillas, and also to develop any new intelligence possible on the Bamaca case including, inter alia, the cooperation of the MOD in the investigation and the possibility that GOG/MOD files relating to this matter, and the general subject of capture/detention/execution/burial of guerrillas, have been or are being destroyed.

137. The five Agency officers who attended the November 1 meeting dispute State's characterization. [REDACTED] for example, says he can recall no part of the meeting that would have left the impression that the Agency was less than forthcoming or supportive. [REDACTED] adds that he recalls the entire meeting went well, Agency representatives were extremely forthcoming, and there were no refusals by the mid-level DO officers to discuss source reliability. [REDACTED] points out that, in response to State's request for extensive tasking of assets by the Agency, DO representatives did not refuse to cooperate but rather pointed out that such tasking takes time to yield results. The most senior of the DO officers who attended insists that State was provided with an extensive briefing on the Agency information collected on Bamaca, that no dissatisfaction was shown by State officers at the meeting, and neither she nor her Agency colleagues showed any unwillingness to fully employ the DO's capabilities. She notes, however, that most of the Agency information on Bamaca was second- or third-hand, and State was apparently not happy with that fact.

138. [REDACTED]

139. According to NIO Allen, who did not attend the meeting, he was telephoned shortly after the meeting by Homme who requested that Allen contact his DI colleagues and ask that they be more forthcoming on the Harbury-Bamaca case. The State memorandum was also faxed to Allen who contacted LA Division officers for clarification and to draft a response. Allen also spoke to [REDACTED] who told Allen that his impression was that the meeting went well and State officers were grateful for the Agency's assistance.

140. On November 10, Allen sent Homme a response to State's memorandum that had been prepared by LA Division. The response expressed LA Division's surprise at State's disappointment regarding the November 1 meeting and added "as we recall there were no concerns expressed at the time and we agreed at the end of the meeting to aggressively pursue further reporting on these issues." In addressing the issues raised by State, the response noted:

....
2. With regard to [REDACTED] we are preparing additional clarification [REDACTED] It is important to emphasize, however, that this information is fragmentary, [REDACTED] and in some cases contradictory when put in the context of other information available. The speculative nature [REDACTED] is reflected in the [REDACTED] memorandum of 24 October 1994 that was provided to our ARA colleagues.

3. As we discussed on 1 November, we are exploring opportunities with Guatemala City Station to secure additional information on the report [REDACTED]

4. Both the DO and the DI are reviewing the testimony of Santiago Cabrera Lopez that was provided at the meeting on 1 November.

5. We are conducting a review of our file holdings to determine whether there is additional information on the allegations of the two imprisoned Guatemalans. We will provide the Department any additional information we identify upon completion of this review.

6. As agreed at the 1 November 1994 meeting, we have been in contact with [REDACTED] on the need for additional reporting on the issues associated with the Bamaca case. [REDACTED]

[REDACTED]

prison issue.

141. November 1994 Embassy Telegram. On November 2, 1994, according to Embassy reporting, the Guatemalan Supreme Court Secretary General informed the Embassy's Consul General and the American Citizens Services (ACS) Consular Officer that Bamaca may be buried in an "XX" grave in Coatepeque. According to the Secretary General, Guatemalan Judge Isnardo Roca, a local judge serving in the town of Coatepeque in March 1992, was preparing to submit a formal declaration to the Supreme Court, confirming that in May 1992 he had ordered and attended the exhumation of two unidentified bodies, one of which was determined to be that of Mexican journalist Fernando De La Mora. After reading a Guatemalan newspaper article that Bamaca had been killed at the same time as De La Mora, Judge Roca said he recalled that there was another unidentified body exhumed with De La Mora's, and he now believes the other body may be that of Bamaca.

142. On Ambassador McAfee's instructions, the ACS Consular Officer visited Harbury at her hunger strike site to advise her. Embassy reporting noted:

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As [Consular Officer] began the story, Ms. Harbury interrupted almost immediately, maintaining that: (a) the article in the newspaper was false and the ex-guerrilla who had made the statements in the article told her (on videotape) that he had never been interviewed and the article was a "plant"; and (b) she was already aware of the guerrillas buried in Coatepeque and they had been killed in a different firefight, not far from the site of her husband's firefight, two weeks earlier or later in March. (She said she remembered that it was different fights because her husband was very upset to learn that his friend, De La Mora, was killed but almost in the same sentence, she said she couldn't remember if De La Mora or her husband was killed first.) She also later said that the article, which she remembers as being from August, did not say anything about De La Mora and Bamaca being killed together, and that she has never seen an article which refers to that.

143. The Embassy added that Harbury said she was not willing to attend another fruitless exhumation and she is convinced that this one would be. She indicated that she would thank the judge for his good intentions but put the record straight the following day in court. The Embassy noted that the ACS Consular officer would accompany Harbury to court.

144. 

145. [REDACTED]

146. [REDACTED]

147. November 3, 1994 [REDACTED] Report. [REDACTED]

[REDACTED] reported that guerrillas who were captured and interrogated by the Army for information of intelligence value were given two choices once the interrogation is complete. First, they may enlist in the Army to work for the D-2 against the units to which they formerly belonged. Once their usefulness has been fully exploited by the D-2, they would be assigned to other jobs, depending on their skills and capabilities. Alternatively, those who refused to integrate into the Army were summarily shot and buried in unmarked graves.

[REDACTED] emphasized that the Army did not take prisoners of war, nor did the URNG. [REDACTED] elaborated that the Army did not believe it was violating human rights by killing guerrillas, because the guerrillas know that by engaging in open warfare against the Guatemalan Army they face death.

148. [REDACTED] to the best of his knowledge, the Army did not have Bamaca in custody and opined that if the Army did know where Bamaca was, whether dead or alive,

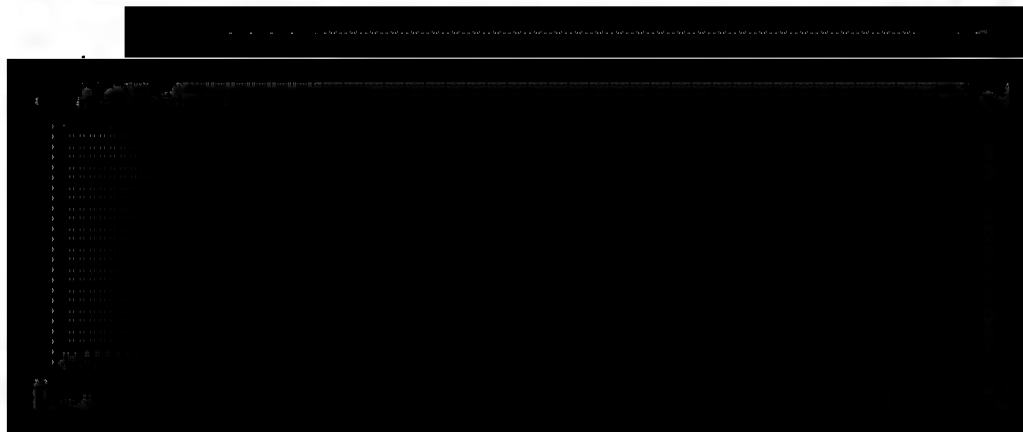
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the Army would turn him over to put an end to the media attention to his case. [REDACTED] added that Bamaca was a guerrilla fighting against Guatemala and noted that [REDACTED] officers could not understand why this particular case was getting so much attention from the U.S. when thousands of others had died and had never been mentioned. The [REDACTED] report was disseminated to the Agency on November 4, 1994.

149. [REDACTED]



[REDACTED]



~~SECRET~~

[REDACTED]

150. The Station responded to Headquarters the same day, confirming that it was tasking [REDACTED] for information on the Bamaca case and clandestine jails and noting that information would be reported in appropriate channels as it was received. Station officers were tasked to obtain any and all information on the Bamaca case for reporting [REDACTED]
[REDACTED]

[REDACTED]

151. [REDACTED]
[REDACTED]

64
~~SECRET~~

[REDACTED]

[REDACTED]

152.

[REDACTED]

[REDACTED]

153.

[REDACTED]

the Station believed it should be noted that the critical element of the May 2, 1994 intelligence report [REDACTED] that Bamaca had been captured alive [REDACTED] appeared to be corroborated by the March 18, 1992 intelligence report from [REDACTED] Bamaca had been lightly wounded and was cooperating with his captors.

154.

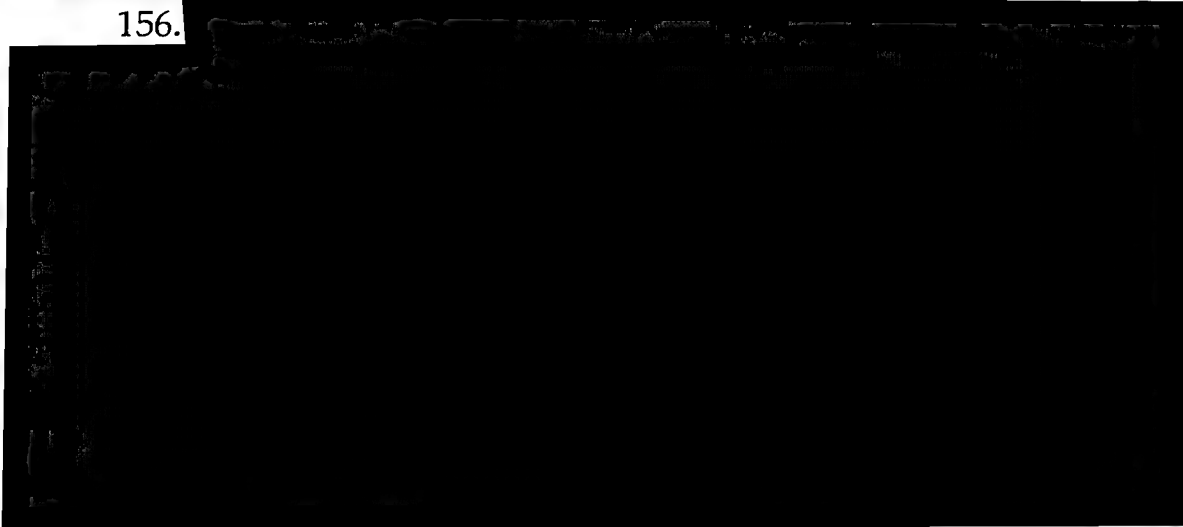
[REDACTED]



155.



156.



157.



158. November 4, 1994 Agency Analysis. [REDACTED] recalls that the November 4 analysis, which he drafted, was initiated based on additional reporting from the Station and included information from both the October 24 analysis and an October 28 intelligence report that indicated that Bamaca had been captured in March 1992 and brought to a military camp in San Marcos. As was true at the time of the October 24 analysis, [REDACTED] was unaware of the March 18, 1992 report that Everardo had been captured alive and was cooperating fully with his captors. [REDACTED] had also not yet learned of the allegation that Alpirez had been present at the interrogation of DeVine [REDACTED]

[REDACTED]

159. The November 4 analysis summarized the Agency's reporting on Bamaca, except for the as-yet-undiscovered March 18, 1992 intelligence report, and noted that "the reports also contain second- and third-hand allegations that Bamaca was captured alive,

[REDACTED]

160. On November 4, 1994, the analysis was disseminated to various Agency components and:

Director, Inter-America Affairs, NSC;
Deputy Assistant Secretary, InterAmerican Regional Affairs,
Central American Affairs, State;
Director, Office of Central American Affairs, State;
Special Assistant to the Secretary of State;
Guatemala Desk Officer, State; and
Guatemala INR Analyst, State.

161. November 4, 1994 Agency Briefing of SSCI Staff. On November 4, 1994, Agency officers from the DO and the DI, including [REDACTED] met with SSCI staff members [REDACTED]

[redacted] to review the Agency's information on Bamaca. In response to questioning about the Agency's collection efforts, DO officers advised that LA Division was searching Headquarters files and the Station was tasking all available assets to clarify information about Bamaca, as well as to elicit additional information. [redacted] the primary briefer, recalls that the briefing was derived from the intelligence reporting that was discussed in his November 4 analysis, a copy of which was provided to the SSCI staff members at their request.

162. November 4, 1994 Intelligence Report. [redacted]

[redacted] a Station officer obtained information [redacted] pertaining to the role of a [redacted] Guatemalan [redacted] in Quetzaltenango in 1992, in the apparent death of Bamaca. [redacted]

[redacted] on March 12, 1992 [redacted] had an armed encounter with a group of insurgents. Two insurgents were killed during the encounter, including one who appeared to be an insurgent commander due to his American camouflaged uniform, new boots, radio, and the weapon he carried. The insurgent carried no identification and [redacted] could not identify the insurgent [redacted]

163. [redacted] reported the casualties to the local authorities and the human rights representatives in Quetzaltenango, and assumed they took care of burying the bodies. A month after the armed encounter, [redacted] was informed that [redacted] had killed Everardo during the March 12 encounter. [redacted]

[redacted] was now certain that the insurgent commander [redacted] killed was not Everardo. [redacted]

164. [REDACTED] commented that it was possible the Army substituted the body of the dead insurgent commander for that of Everardo who apparently was killed in a separate location. This would be a way of covering up any evidence of torture that may have been used on Bamaca.

165. The Station sent this information to Headquarters on November 4, 1994. [REDACTED]

166. [REDACTED]
This information was disseminated [REDACTED] on November 4, 1994:

U.S. Embassy, Guatemala;
White House Situation Room;
State, INR;
NSA;
DIA;
Treasury;
USCINCSO;
Department of Energy Headquarters, Intelligence Officer (DOEHQ/IN); and
Intelligence Units of the Army, Navy, Marine Corps, and Air Force.

167. [REDACTED]

168. November 1994 Station Report. [REDACTED]

[REDACTED] said he knew of [REDACTED]
[REDACTED]
[REDACTED] to the travel to Washington of a former ORPA guerrilla who knew Bamaca well. Reportedly, the former ORPA guerrilla planned to testify before the U.S. Congress that Harbury was never

with Bamaca for any length of time other than an interview she had with him at an ORPA encampment. [REDACTED]

[REDACTED] This information was not further disseminated.

169. November 7, 1994 [REDACTED] Report. The [REDACTED] obtained information on [REDACTED]

[REDACTED] reported that Bamaca received a relatively minor wound in one arm during a firefight with the Guatemalan Army outside of Retalhuleu in March 1992. He was captured and initially interrogated there. During the initial interrogation, it was determined that he knew more about ORPA activity in San Marcos than he did about guerrilla activities in and around Retalhuleu. The G-2 in Military Zone 18 was advised and requested that Bamaca be moved from Retalhuleu to San Marcos for in-depth interrogation.

170. The G-2's request was approved by the D-2's Military Intelligence (MI) Division, which had responsibility for collecting intelligence on the different guerrilla organizations. The San Marcos G-2 was informed that he would report directly to the MI Division on all issues regarding Bamaca. Bamaca was moved to San Marcos and [REDACTED]

[REDACTED] added that security regarding Bamaca was of the highest priority because of his importance to the Army, based on his position within ORPA and because he was thought to be an extremely intelligent individual who was constantly attempting to escape. Bamaca proved to be such a problem, [REDACTED] that he was encased in a complete body cast as if he had received numerous fractures or broken bones, in order to control him and prevent him from attempting to escape.

171. During the approximate month that Bamaca was held in San Marcos, [REDACTED] reported, he underwent two or three extensive interrogations at the hands of interrogators from the MI Division. While Bamaca freely talked and provided information about ORPA activities and personnel, he constantly provided false information regarding arms caches. This eventually led the MI Division chief to decide that Bamaca was no longer of any value. An order was issued by the MI Division to the Military Zone that Bamaca was to be killed. To facilitate this action, the MI Division sent a D-2, not a Guatemalan Air Force, helicopter and Bamaca was loaded alive onto the helicopter. [REDACTED] was disseminated on November 7, 1994, via the [REDACTED] and faxed to the Agency on November 10.

172. [REDACTED] Agency Briefing of HPSCI Staff. On [REDACTED] Agency officers from the DO and the DI, including [REDACTED] briefed members of the HPSCI staff on reporting relating to the case of Bamaca. A Department of State liaison officer was also in attendance. Referring to [REDACTED] disseminated reports from early 1993, [REDACTED] provided a chronology of the reported capture and possible torture and internment of Bamaca. Concluding that the Agency had no information on the current status of Bamaca or on his possible death, the DO officers advised that they were attempting to obtain more recent information [REDACTED] on Bamaca's fate.

173. The memorandum documenting the briefing, prepared by the Agency's Office of Congressional Affairs, indicated that HPSCI staff members [REDACTED] were present, appeared satisfied with the briefing and had no further questions on the Bamaca case.

174. [REDACTED] the primary briefer, believes that he provided the most current information available to him, but he is uncertain whether he included in the briefing information derived from the November 4, 1994 intelligence report that included the account of the [REDACTED] Guatemalan [REDACTED] who had been told in April 1992 that [REDACTED] had killed "Commandant Everardo." [REDACTED] is certain, however,

that his briefing of the HPSCI staff included, "at the very least," information derived from his November 4 analysis. [REDACTED] recalls that the key topics for discussion centered around Bamaca's fate and whether clandestine prisons existed. [REDACTED]

[REDACTED]

[REDACTED]

175. November 1994 Discovery of March 18, 1992 Intelligence Report. Sometime between November 4 and November 8, 1994, [REDACTED] DI/ALA supervisor, initiated [REDACTED] search of DO intelligence reports, using as criteria the names of Bamaca and Everardo, this time spelled correctly. [REDACTED] search retrieved the March 18, 1992 intelligence report and it was subsequently included in all DI analyses published after November 4. [REDACTED] apprised LA Division of the March 18, 1992 report and LA Division faxed a copy of the report to the Station on November 7, 1994. According to the Station reports officer, the Station had no knowledge of the existence of the report until this transmittal of it from LA Division.

176. November 8, 1994 Agency Analysis. [REDACTED] recalls that the November 8 analysis, which he drafted, was initiated based on additional reporting from the Station and included information from both the November 4 analysis and the November 4 intelligence report indicating that a [REDACTED] Guatemalan [REDACTED] had been told in April 1992 that [REDACTED] had killed "Everardo." By this time, [REDACTED] had become aware of the March 18, 1992 intelligence report and it was included in the November 8 analysis. However, [REDACTED] had still not learned of an October 1991 report that Alpirez had been present at DeVine's interrogation [REDACTED]

[REDACTED]

[REDACTED]

177. The November 8 analysis summarized the Agency's reporting on Bamaca, [REDACTED]

[REDACTED]

[REDACTED] Concerning Bamaca's fate, the analysis noted that the evidence pointed to the likelihood that Bamaca was captured alive in March 1992, but added:

However, we have no reliable information to ascertain whether he is still alive and being held in a clandestine military prison. The last alleged sighting of Bamaca--provided by the testimony of two guerrilla escapees--was in July 1992. Although the Army would have a strong incentive to keep him alive--for his supposed knowledge of ORPA's structure and personnel--and turn him against his former comrades, he may well have died of battlefield wounds and been buried in an as-yet-unidentified grave. The Army also could have executed Bamaca after it extracted from him whatever useful information it sought. The Army, for its part, remains very tight-lipped about this and other similar cases, and is unlikely to open up to a full inquiry on the subject.

178. On November 8, 1994, the DI/ALA analysis was disseminated to various Agency components and:

Director, Inter-America Affairs, NSC;
Deputy Assistant Secretary, InterAmerican Regional Affairs,
Central American Affairs, State;
Director, Office of Central American Affairs, State;
Special Assistant to the Secretary of State;
Guatemala Desk Officer, State; and
Guatemala INR Analyst, State.

179. November 9, 1994 Intelligence Report.

[redacted] advised a Station officer that [redacted] told a gathering [redacted] that the URNG had prompted international attention concerning the Bamaca case as a means of weakening the Guatemalan Government after the URNG suffered a severe blow because of the Government's agreement to establish a Human Rights Truth Commission. [redacted] added that [redacted] said that the Bamaca case was closed as far as the Government and [redacted] concerned.

180.

[redacted] The information was disseminated [redacted] on November 9 to:

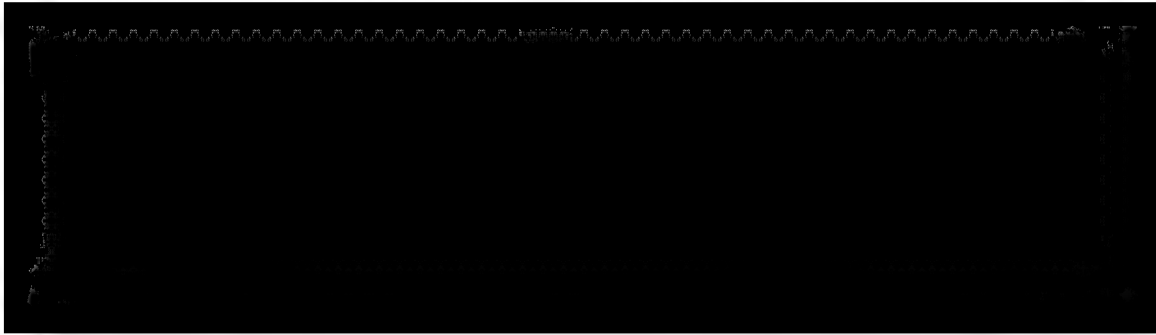
U.S. Embassy, Guatemala;
White House Situation Room;
State, INR;
NSA;
DIA;
Treasury;
USCINCSO; and
Intelligence Units of the Army, Navy, Marine Corps; and
Air Force

181. [REDACTED]

182. November 9, 1994 Intelligence Report. [REDACTED]

[REDACTED] the Station obtained information [REDACTED] that [REDACTED] said he believed the Bamaca case had been fully resolved until Harbury resurfaced in Guatemala claiming to have been the wife of the dead guerrilla. According to [REDACTED] Harbury had been present during the exhumation of what was believed to be Bamaca's body. Harbury said at the time that she was an international human rights lawyer and had not spoken out when questions were asked concerning whether any members of the Bamaca family were present. [REDACTED] alleged that Harbury claimed to be Bamaca's wife only when she later returned to Guatemala. A [REDACTED] comment included by the Station noted that [REDACTED] was presumably referring to the first exhumation in May 1992 that was stopped by the Attorney General when no family member was identified as present.

183. [REDACTED]



184. [REDACTED]

[REDACTED] The information was disseminated [REDACTED] on November 9, 1994 to:

U.S. Embassy, Guatemala;
White House Situation Room;
State, INR;
NSA;
DIA;
Treasury;
USCINCSO; and
Intelligence Units of the Army, Navy, Marine Corps, and
Air Force.

185. [REDACTED]



186. November 10, 1994 Intelligence Report.

[REDACTED] the Station obtained information [REDACTED] concerning remarks by MOD Enriquez [REDACTED] during the monthly [REDACTED] meeting in Guatemala City. According to [REDACTED] Enriquez told [REDACTED] that the Bamaca case entails one of the greatest political efforts undertaken by the URNG. In describing his discussions with Harbury, Enriquez said Harbury threatened him, saying if she discovered her husband had been mistreated, the first goal of her protest would be to seek the cessation of Guatemalan access to United States non-traditional export markets. If need be, she would work for worse sanctions as

well. Enriquez added that Harbury intended to dismiss as erroneous all information on her husband provided by military officials associated with Bamaca's capture and told him she would call on Colonel Alpirez, Colonel Perez Solarez and Major Sosa Orellana if the Army did not produce her husband.

187. This information was disseminated [REDACTED]
[REDACTED] on November 10, 1994 to:

U.S. Embassy, Guatemala;
White House Situation Room;
State, INR;
NSA;
DIA;
Treasury;
USCINCSO;
USCINCSOC Intel Ops Center MacDill AFB;
COMJSOC; and
Intelligence Units of the Army, Navy, Marine Corps, and
Air Force.

188. [REDACTED]
[REDACTED]
[REDACTED]

189. [REDACTED]
[REDACTED]

[REDACTED]

190.

[REDACTED]

[REDACTED]

[REDACTED]

191.

[REDACTED]

[REDACTED]

[REDACTED]

192.

[REDACTED]

[REDACTED]

193. November 14, 1994 [REDACTED] Report. On [REDACTED]
[REDACTED] many Guatemalan Army officers
believed that the U.S. Government, through its public display of
support for Harbury, had changed its policy regarding Guatemala's

internal conflict and supported the position of the URNG. Regarding the whereabouts of Bamaca, [REDACTED] said that Bamaca was dead and, when asked if the Guatemalan Government could produce his remains, responded that Bamaca's remains were in a place that "makes it impossible to recover them." [REDACTED] unwilling to answer the question directly. The [REDACTED] report was disseminated to DIA on November 14, 1994 and made available to Agency Headquarters on March 23, 1995.

194. November 14, 1994 [REDACTED] Report. On [REDACTED]

[REDACTED] that Bamaca was interrogated during his time in San Marcos, principally by G-3 Major Soto Bilbao and G-2 Major Sosa Orellana, who were assisted by two unidentified military doctors assigned to the infirmary at Zone 18 Headquarters. [REDACTED] said that the doctors provided the necessary drugs used in the interrogations. [REDACTED] said that Bamaca was such a special prisoner that, when he was moved to the military infirmary for care, the infirmary was cleared of all patients and other personnel to preclude anyone from identifying him. The majority of the officers assigned to the Military Zone 18 Headquarters level were aware that Bamaca was being held in a cell in the G-2.

195. During Bamaca's incarceration at Military Zone 18, [REDACTED] visited Zone 18 an unusual number of times, presumably to coordinate with those conducting the interrogation of Bamaca. According to [REDACTED] [REDACTED] noted that Bamaca was not a cooperative prisoner and did attempt to escape, thereby forcing the Army to incapacitate him in a full body cast. [REDACTED] said that during the prior few weeks Army officers had noticed that ex-guerrillas who were coopted and working for the Army had been noticeably absent and further speculated that their disappearance was probably linked to a decision by Army leadership to kill the ex-guerrillas.

196. The DAO report included a comment [REDACTED] noting that [REDACTED] had no information to suggest that other former guerrillas had recently been killed by the Army or that such a decision had been made by the high command. [REDACTED] doubted that the Army would risk such an action in the highly charged human rights climate in Guatemala. It was precisely to preclude this possibility, according to a comment added by the Embassy, that Ambassador McAfee raised the issue of deserters' protection with President De Leon on November 11, 1994. The [REDACTED] report was disseminated on November 14, 1994, via [REDACTED]. It was later provided to the Agency in March 1995.

197. November 15, 1994 Intelligence Report. [REDACTED]

198. [REDACTED]

[REDACTED] the Station requested Headquarters advice regarding whether and how the information should be disseminated. The Station also provided a classified memorandum to Ambassador McAfee [REDACTED] advising her of [REDACTED] reporting. Headquarters responded [REDACTED] advising the Station to resubmit the information in an "Exclusive for" format.

199. [REDACTED]
The Station sent the information to Headquarters on November 15,

1994, and it was disseminated [REDACTED] that same day to:

U.S. Embassy, Guatemala (principal officers only);
 Exclusive for Director, White House Situation Room;
 Exclusive for Assistant Secretary, INR and the
 Assistant Secretary, Diplomatic Security, State;
 Exclusive for Director, NSA;
 Exclusive for Director, DIA;
 Exclusive for Special Assistant to Secretary, Treasury; and
 Exclusive for Intelligence Chiefs of the Army, Navy,
 Marine Corps, and Air Force.

200. [REDACTED]

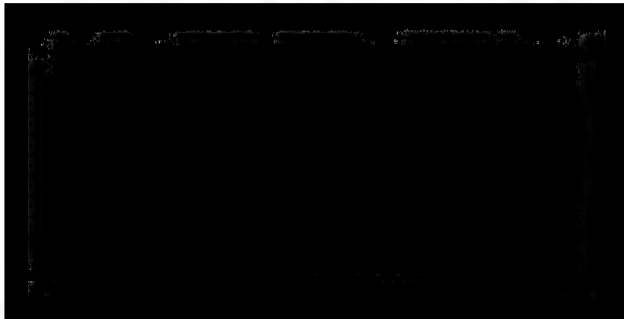
201. November [REDACTED] 1994 Intelligence Report. [REDACTED]

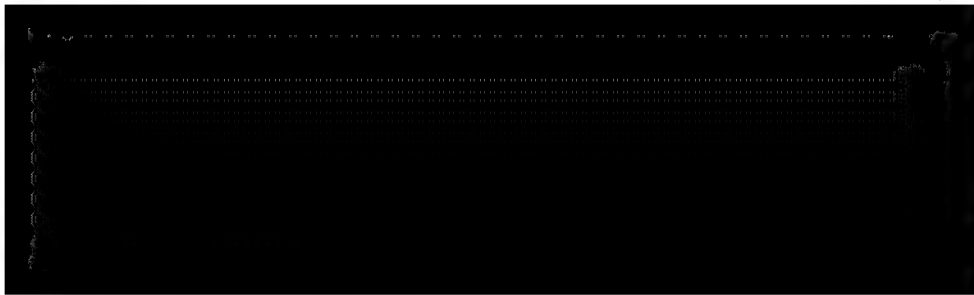
[REDACTED] that it was unlikely that the Bamaca case would ever be resolved to Harbury's satisfaction. [REDACTED]

[REDACTED] said Bamaca was dead and that Harbury's efforts to draw international attention to the case would only serve to bring condemnation upon the Guatemalan Government and strain relations between Guatemala and the international community.

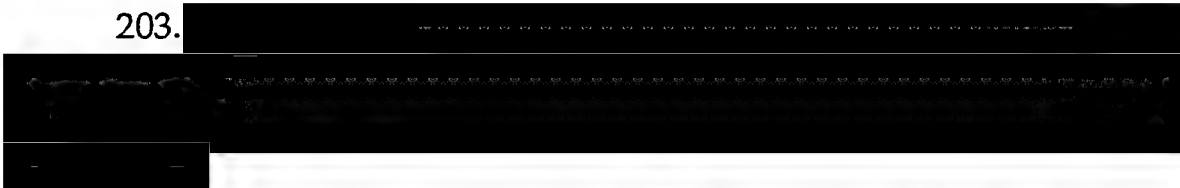
202. The Station sent this information, [REDACTED]

Headquarters on November [REDACTED], 1994. It was disseminated [REDACTED] on November [REDACTED] to:





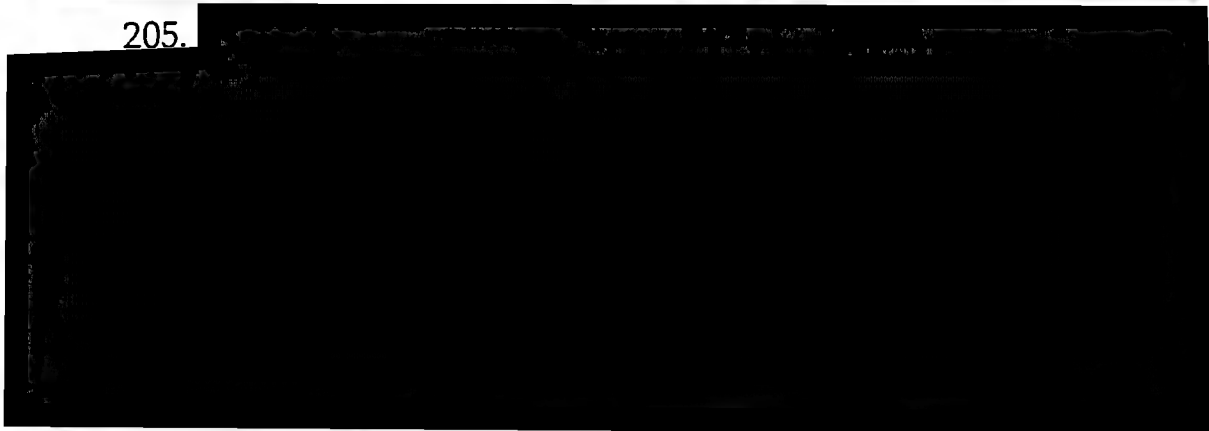
203.



204.



205.



[REDACTED]

206. [REDACTED]

207. November 17, 1994 Agency Analysis. [REDACTED] recalls that the November 17 analysis, which he drafted, was initiated to provide an update of Bamaca-related information. It included information [REDACTED]

[REDACTED] that Bamaca had been taken away from San Marcos in April 1992 and was never seen again [REDACTED]

208. The November 17 analysis summarized the Agency's reporting on Bamaca and reiterated the conclusions in the November 8 analysis [REDACTED]

[REDACTED] The November 17 analysis also indicated that, while the evidence pointed to the likelihood that Bamaca was captured alive in March 1992, there was no reliable information to ascertain whether Bamaca was still alive and being held in a clandestine military prison.

209. On November 17, 1994, the DI/ALA analysis was disseminated to various Agency components and:

Director, Inter-America Affairs, NSC;
Deputy Assistant Secretary, InterAmerican Regional Affairs,
Central American Affairs, State;
Director, Office of Central American Affairs, State;
Special Assistant to the Secretary of State;
Assistant Secretary (AS), INR, State;

Guatemala Desk Officer, State;
Guatemala INR Analyst, State;
Director, NSA;
Director, DIA; and
Director (J-2), Pentagon.

210. November 17, 1994 Intelligence Report.

[REDACTED] obtained information [REDACTED]

[REDACTED] that the URNG had been manipulating the Bamaca case for its propaganda value and to drive a wedge between the Guatemalan and U.S. Governments. [REDACTED]

[REDACTED] a few months after the March 12, 1992 capture or death of Bamaca, URNG intelligence, [REDACTED] sent messages to Bamaca's American wife via a URNG front organization. These messages indicated that the URNG had information that Bamaca had been detained by the Guatemalan military and was being tortured. For months thereafter, URNG intelligence continued to send information to Bamaca's American wife insisting Bamaca was still alive. In reality, [REDACTED]

[REDACTED] the URNG had no factual information regarding Bamaca after March 12, 1992. The URNG information sent to Bamaca's American wife was completely fabricated, and the URNG believed Bamaca probably is dead.

211. [REDACTED]

[REDACTED] URNG intelligence was convinced that, in the slim chance that Bamaca was alive, his continued survival would have depended solely on his having given information to the Guatemalan military. Thus, if Bamaca were alive, it was because he is a traitor to the URNG. [REDACTED]

Bamaca alive would be very dangerous to the URNG as he was among the highest ranking URNG members ever taken by the Guatemalan military, and his intelligence value would have been high. [REDACTED] that URNG intelligence believed that, if Bamaca were alive, the Guatemalan military would have killed him


after Bamaca's U.S. wife began demonstrating and the Guatemalan Government and military had informed the U.S. Government that Bamaca had been killed in March 1992. [REDACTED] if Bamaca were alive, the URNG's objective was to have the U.S. wife's activities force the Guatemalan military to kill him and remove him as a threat to the URNG.

212. [REDACTED]

[REDACTED] the report was coordinated, [REDACTED] with Ambassador McAfee, DCM Keane and visiting Assistant Secretary of State Shattuck. [REDACTED]

213. The information was disseminated [REDACTED] on November 17, 1994 to:

214. [REDACTED]



215. November 18, 1994 Agency Analysis. [REDACTED] recalls that the November 18 analysis, which he drafted, was initiated at the specific request of the Department of State. Rather than focusing on Bamaca's fate exclusively, the November 18 analysis assessed Harbury's hunger strike and the Bamaca case in general from the perspective of the Guatemalan Government and press. The analysis concluded that the Guatemalan Government, persuaded that the guerrillas were managing the case and that international attention represented foreign meddling, would be highly resistant to pressures to investigate the charges of human rights abuse more fully. The analysis also indicated that,

Guatemala probably will, therefore, continue to hold to its story and withstand any U.S. pressure—even sanctions. The military will be even less responsive to direct U.S. pressure since military aid was halted in 1990. Guatemala could even react to U.S. demands on the Bamaca case by questioning U.S. motives and limiting the U.S. role in the peace process—where the United States has gained leverage by building its credibility as a fair and impartial interlocutor.

216. On November 18, 1994, the DI/ALA analysis was disseminated to various Agency components and:

Director, Inter-America Affairs, NSC;
Deputy Assistant Secretary, InterAmerican Regional Affairs,
Central American Affairs, State;
Director, Office of Central American Affairs, State;
Special Assistant to the Secretary of State;
AS, INR, State;
Guatemala Desk Officer, State;
Guatemala INR Analyst, State;
Director, NSA;

Director, DIA; and
Director (J-2), Pentagon.

217. November 18, 1994 Intelligence Report.

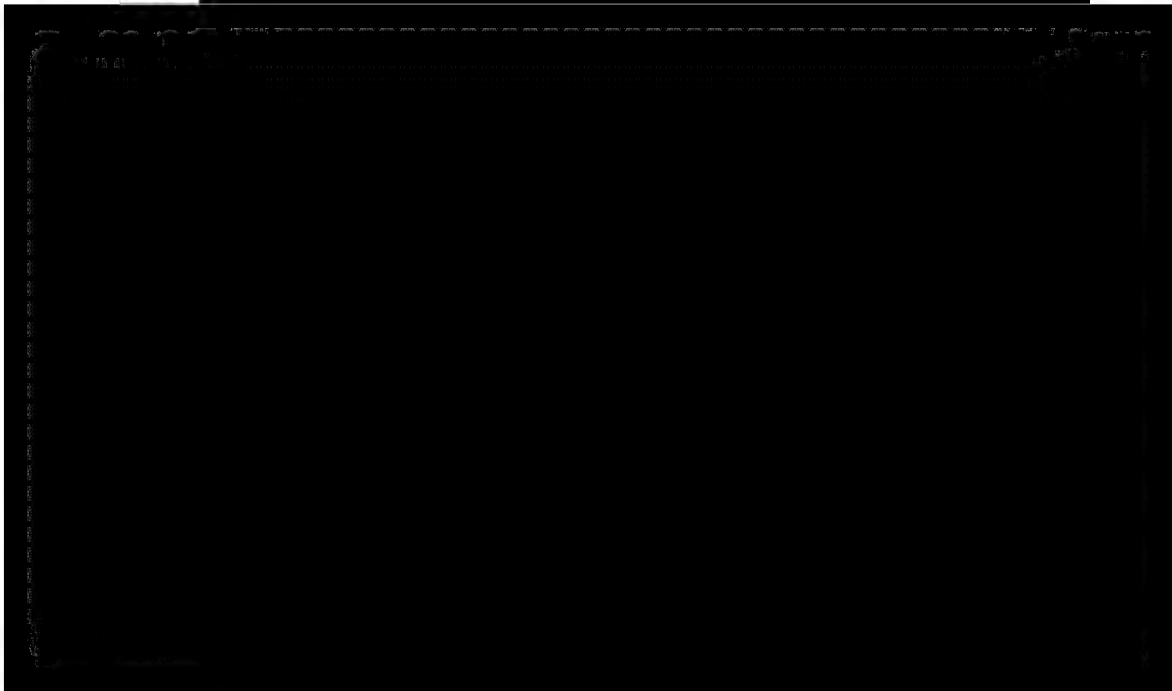
[REDACTED] the Station obtained information [REDACTED]
[REDACTED] that a [REDACTED] Guatemalan [REDACTED] had said
that Bamaca offered no resistance to an Army patrol during his
capture on March 12, 1992. The Army patrol subsequently turned
Bamaca over to the G-2 in San Marcos Department. Bamaca was held
in San Marcos and in Santa Ana Berlin, Quetzaltenango Department,
[REDACTED]
[REDACTED] had told
[REDACTED] that Bamaca [REDACTED] was not
tortured. Further, [REDACTED] added that the capture of Bamaca was
significant, [REDACTED]
[REDACTED]

218. [REDACTED]

[REDACTED] The Station sent this information to Headquarters on
November 18, 1994. It was disseminated [REDACTED]
the same day to:

U.S. Embassy, Guatemala;
White House Situation Room;
State, INR;
NSA;
DIA;
Treasury;
USCINCSO; and
Intelligence Units of the Army, Navy, Marine Corps, and
Air Force.

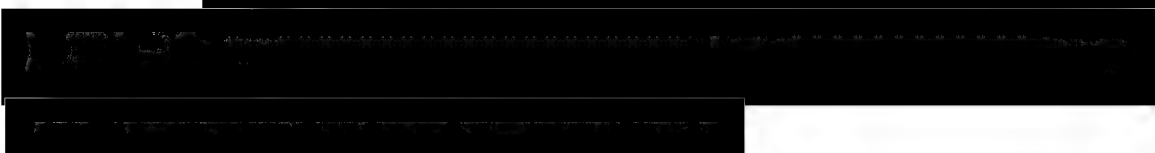
219. [REDACTED]



220. [REDACTED]



221. [REDACTED]



222. November [REDACTED] 1994 Station Report. [REDACTED]

[REDACTED] said that his guess,
[REDACTED] was that Bamaca
was probably wounded when captured and may have died of these
wounds while being interrogated in captivity. The military may then
have disposed of his body in an unmarked grave and is thus unable

to produce a body to show Harbury or Guatemalan authorities.

[REDACTED] it

was unlikely that Bamaca would have surrendered alive since he was a key insurgent leader in the area and very knowledgeable about ORPA activities, unless he were wounded and unable to resist. [REDACTED]

[REDACTED] no further dissemination was recommended or

[REDACTED]

223.

[REDACTED]

[REDACTED]

224.

[REDACTED]

[REDACTED]

[REDACTED]

225. November 23, 1994 Intelligence Report. [REDACTED]

[REDACTED]

226. [REDACTED]

[REDACTED] The Station sent the information to Headquarters on November 23, 1994. It was disseminated [REDACTED] the same day to:

U.S. Embassy, Guatemala (principal officers only);
Exclusive for Director, White House Situation Room;
Exclusive for the Assistant Secretary, INR, State;
Exclusive for Director, NSA;
Exclusive for Director, DIA;
Exclusive for Special Assistant to Secretary, Treasury;
Exclusive for USCINCSO; and
Exclusive for Intelligence Chiefs of the Army, Navy,
Marine Corps, and Air Force.

~~SECRET~~

227. [REDACTED]

228. November 23, 1994 [REDACTED] Report. [REDACTED]

[REDACTED] had been ordered to recheck its files and remove and destroy any incriminating evidence that could be used to identify or help trace individuals who might be viewed as responsible for any activity that could be deemed illegal in any way. [REDACTED] that action had already been taken at the Southern Air Base in Retalhuleu. In addition to the removal of all incriminating files, the facilities that were used in the early-to mid-1980's as "interrogation" areas had been totally demolished and pits that were used to bury guerrillas had been filled and covered over with cement. The [REDACTED] information was disseminated to DIA on November 23, 1994 and made available to Agency Headquarters the following day.

229. November 25, 1994 [REDACTED] Report. [REDACTED]

that many Guatemalan junior officers assigned to an interior military zone suspected the U.S. Government of abandoning the idea of being an impartial party in ongoing peace talks and favoring the URNG as a result of the Bamaca case. [REDACTED]

[REDACTED] opined that both the President and Army high command had totally mishandled the Bamaca case as the Guatemalan Government strategy appeared to be focused on discrediting Harbury as opposed to conducting an investigation that would lay the matter to rest once and for all. On the subject of Bamaca's fate, [REDACTED] [REDACTED] knew nothing about Bamaca and believed, [REDACTED] that Bamaca died as a result of wounds shortly after the firefright in March 1992. [REDACTED]

[REDACTED] information was disseminated to DIA on November 25, 1994 and made available to Agency Headquarters the following day.

230. December 2, 1994 Intelligence Report.

[redacted] was met [redacted] and asked to provide further details relative to the March 18, 1992 report that Everardo had been captured alive and was cooperating with his captors. [redacted]

[redacted] offered no new details relative to the initial report and claimed that he had no specific knowledge of what happened to Bamaca at that point nor did he have information on Bamaca's whereabouts or that of his remains. [redacted] promised to pass along additional details of the Bamaca case if and when they became available [redacted]

[redacted]

231. [redacted] information was obtained [redacted] that Bamaca was captured unharmed or lightly wounded around March 12, 1992. According to [redacted] Bamaca might have been alive four to five weeks after his capture [redacted] Ortega opined that Bamaca was killed by the Guatemalan Army once he had outlived his usefulness. [redacted] claimed that as an uneducated peasant Bamaca would have had little to offer other than what he could have produced in his initial debriefings. According to [redacted] Bamaca's high-level position in ORPA was not discovered until long after his death. [redacted]

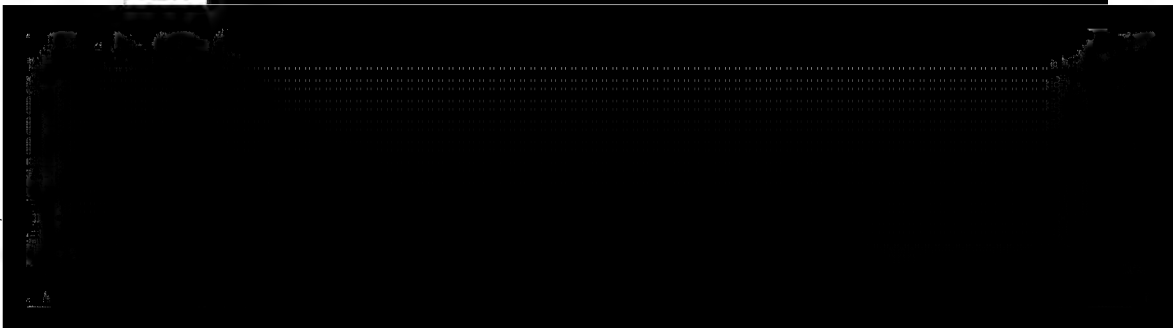
232. On November [redacted] 1994, the Station obtained information [redacted] that a [redacted] Guatemalan [redacted] had said that Bamaca was captured alive in March 1992 but was now dead. [redacted] stated [redacted] that the officer who was in charge of the interrogation of Bamaca was Colonel Julio

Roberto Alpirez, the then-Third Commander of Military Zone 18.



[REDACTED] offered no information on how he knew Bamaca had died, where he might be buried, or whether he had been tortured.

233. [REDACTED]



234. [REDACTED]

[REDACTED] The Station sent the information [REDACTED] to Headquarters on December 1, 1994. It was disseminated [REDACTED] the following day to:

- U.S. Embassy, Guatemala;
- White House Situation Room;
- State, INR;
- NSA;
- DIA;
- Treasury;
- USCINCSO;
- DOEHQ/IN; and
- Intelligence Units of the Army, Navy, Marine Corps, and Air Force.

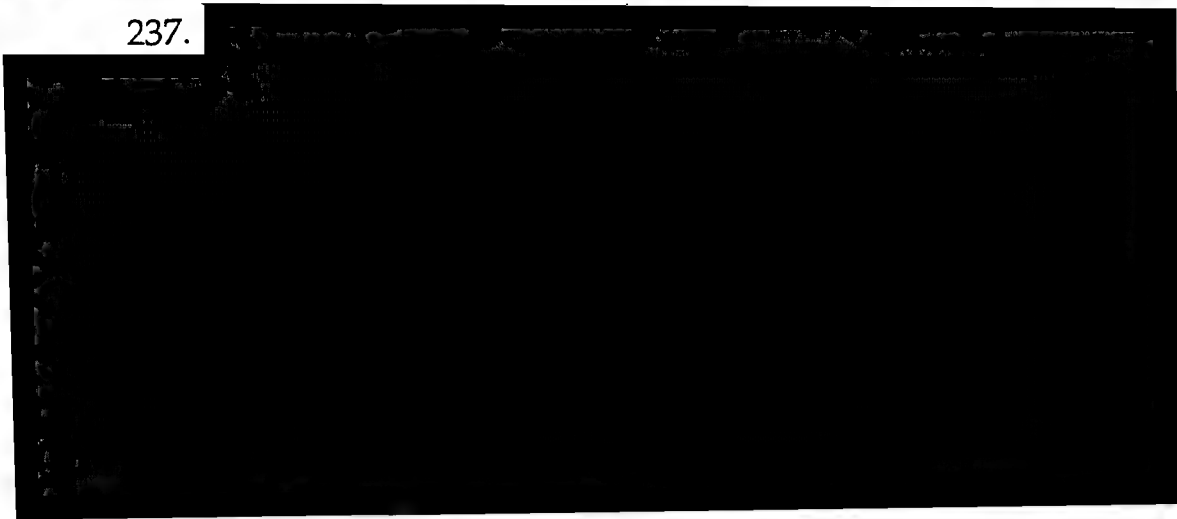
235.



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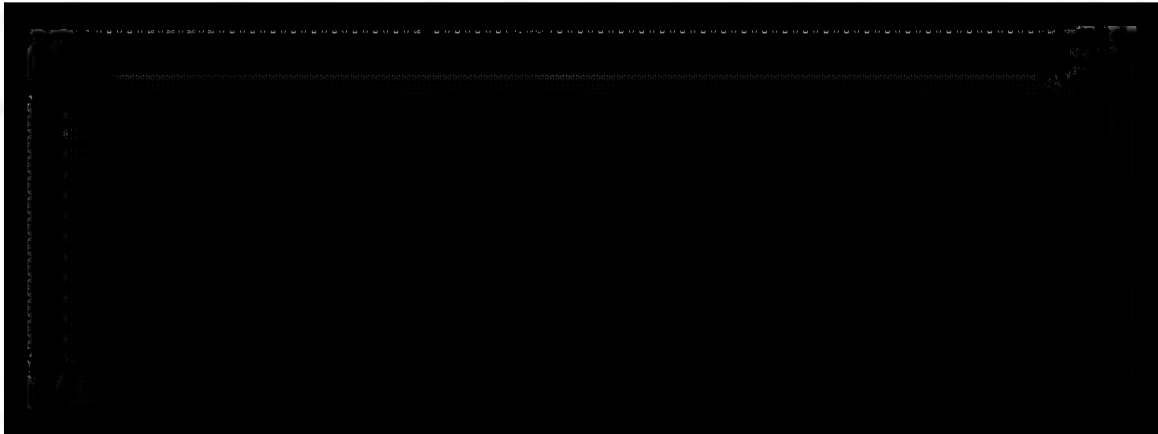


237.



238.





239.



240. The Station sent the information to Headquarters [redacted] including a Station comment that the U.S. citizen referred to [redacted] was likely Clifford Bevens who was kidnapped in December 1980, held for ransom, and later found dead in territory that is the traditional operating area of ORPA, Bamaca's former URNG faction.

241.



[REDACTED]

242. [REDACTED]

[REDACTED]

243. December 8, 1994 [REDACTED] Report. [REDACTED] that the Guatemalan Army's press office was responsible for coordinating a visit by a group of Guatemalan journalists to the site of a firefight with ORPA guerrillas at Nuevo San Carlos on the afternoon of March 12, 1992. According to [REDACTED] the journalists were shown two bodies and told that one of the two was that of a guerrilla platoon lieutenant named Efrain Bamaca Velasquez. The journalists examined a diary reportedly taken from Bamaca's body and then photographed the body before a civil judge was brought to the site to make an official record of the incident and the guerrillas' deaths. [REDACTED] all information pertaining to the guerrillas was provided to then-Guatemalan Human Rights Ombudsman De Leon, as was normal procedure at the time. The [REDACTED] report was disseminated to DIA on December 8, 1994, but was not made available to Agency Headquarters until March 23, 1995.

244. December 12, 1994 Station Report. [REDACTED] the Station obtained information [REDACTED] pertaining to a clandestine burial site. [REDACTED] said that bodies were disposed of in a fresh water well on a farm in San Pablo. The well contained bodies of several guerrillas from Bamaca's unit but not Bamaca's body. [REDACTED] Major Raul Oliva Germeno, along with Alpirez and Colonel Leonel Godoy, all worked with Bamaca after his capture in the San Marcos area, [REDACTED]

[REDACTED] did not know whether Bamaca was alive or dead. He assured [REDACTED] however, that Bamaca was not killed in San Marcos.

245. The Station sent the information to the DO at Headquarters on December 12, 1994. [REDACTED]

246. There is no record that this information was ever disseminated [REDACTED] the Station provided a classified memorandum [REDACTED] [REDACTED] advising [REDACTED] of the possible location of a clandestine burial site and its plans to obtain additional information. There was no mention in the memorandum, however, of the three Guatemalan officers, including Alpirez, who reportedly "worked with" Bamaca after his capture. There was no further dissemination of [REDACTED] information.

247. December 22, 1994 Intelligence Report. [REDACTED]
the Station obtained information [REDACTED]

the Station obtained information [REDACTED]

_____ mentioned a "surprise" inspection of military facilities that had been conducted on December 1 by representatives of the United Nations Human Rights Verification Mission in Guatemala (MINUGUA), looking for Bamaca and evidence of the existence of clandestine prisons. _____

According to [REDACTED] neither Bamaca nor evidence of clandestine prisons was found as a result of the inspection.

248.

[REDACTED]

249. [REDACTED]

[REDACTED]

[REDACTED]

250. [REDACTED]

[REDACTED] The information was sent to Headquarters by the
Station on December 21, 1994, [REDACTED]

[REDACTED]

251. The information, [REDACTED]

[REDACTED]

[REDACTED] was disseminated [REDACTED] the
following day to:

U.S. Embassy, Guatemala;
White House Situation Room;
State, INR;
NSA;
DIA;
Treasury;
USCINCSO; and
Intelligence Units of the Army, Navy, Marine Corps,
and Air Force.

252.

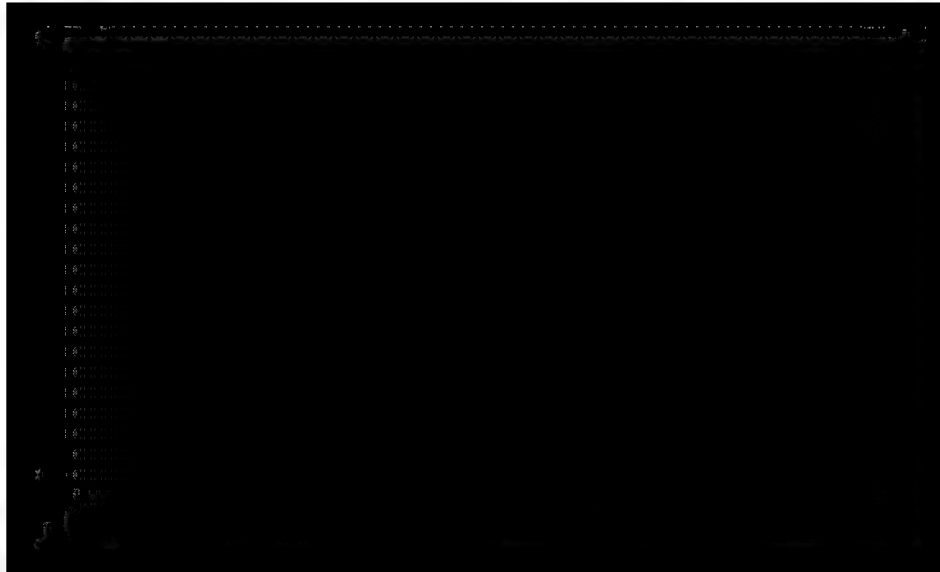


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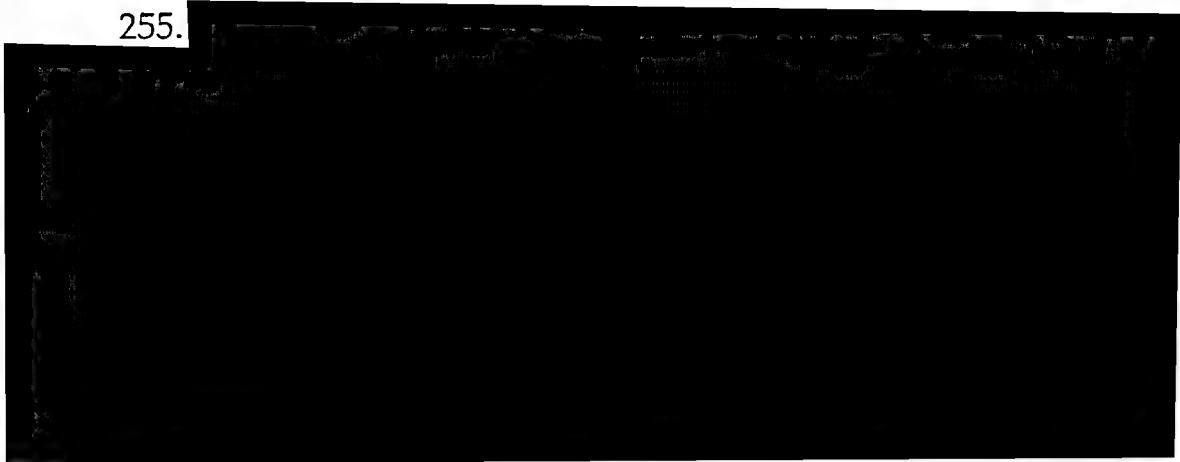




254.



255.



256.



257. January 25, 1995 Intelligence Report. [REDACTED]

[REDACTED] had been advised by a Guatemalan [REDACTED] that he had been told by others that Bamaca had been killed by Alpirez. [REDACTED]

[REDACTED] that it was known within the senior ranks of the Army that Alpirez was the individual who killed Bamaca, but that senior ranking officers had decided not to do anything with the information. [REDACTED]

258. The Station sent this information to Headquarters late on the evening of January 24, 1995. It was disseminated [REDACTED] on January 25 to:

[REDACTED]
 Exclusive for Director, White House Situation Room;
 Exclusive for Assistant Secretary, INR, and
 Assistant Secretary, Diplomatic Security, State;
 Exclusive for Director, NSA;
 Exclusive for Director, DIA;
 Exclusive for Special Assistant to Secretary, Treasury;
 Exclusive for USCINCSO; and
 Exclusive for Intelligence Chiefs of the Army, Navy,
 Marine Corps, and Air Force.

259. [REDACTED]

[REDACTED]

260. [REDACTED]

[REDACTED]

261. January 26, 1995 NSC Meeting. On January 26, the first of four meetings between NSC and CIA personnel was held to discuss the January 25 intelligence report and how it could be used in a demarche to the Guatemalan Government. According to a memorandum regarding the meeting prepared by [REDACTED]

[REDACTED] the meeting was attended by him, the Deputy Chief of LA Division [REDACTED] NSC members Richard Feinberg, George Tenet, and Chat Blakeman, State Department DAS for ARA/CEN Anne Patterson, Colonel Richard Wilhelm from the Office of the Vice President, and a DoJ official. At this meeting, the CIA representatives expressed concern about the need to provide early notification on the information to the intelligence oversight committees in Congress. The NSC members asked CIA to defer

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temporarily any notification of the oversight committees to permit policymakers to develop their strategy and prepare a demarche for the U.S. Ambassador to present to the Guatemalan Government.

262. Also at the first meeting with NSC officials, Feinberg asked, among other things, for an analysis of all available data that linked Alpirez to Bamaca's death. [REDACTED]

[REDACTED]

263. January 27, 1995 Agency Analysis. The analysis was produced on January 27 by [REDACTED] the Chief of the [REDACTED] in the [REDACTED] Division of the DI's Office of African and Latin American Analysis (ALA). In this analysis, [REDACTED] wrote, "We have no firsthand accounts of Bamaca's fate, but have received a number of reports indicating that he was captured alive and killed while in custody of the military. There is significant circumstantial evidence to suggest that Alpirez was at least the intellectual author of Bamaca's death." To support this statement, [REDACTED] referred to the January 25, 1995 intelligence report stating that it was known within the senior military ranks that Alpirez had killed Bamaca; the December 2, 1994 intelligence report stating that Alpirez had taken charge of Bamaca's interrogation; and the May 2, 1994 intelligence report in which Alpirez, [REDACTED] had interviewed Bamaca after his capture until the D-2 took him away.

264. [REDACTED]

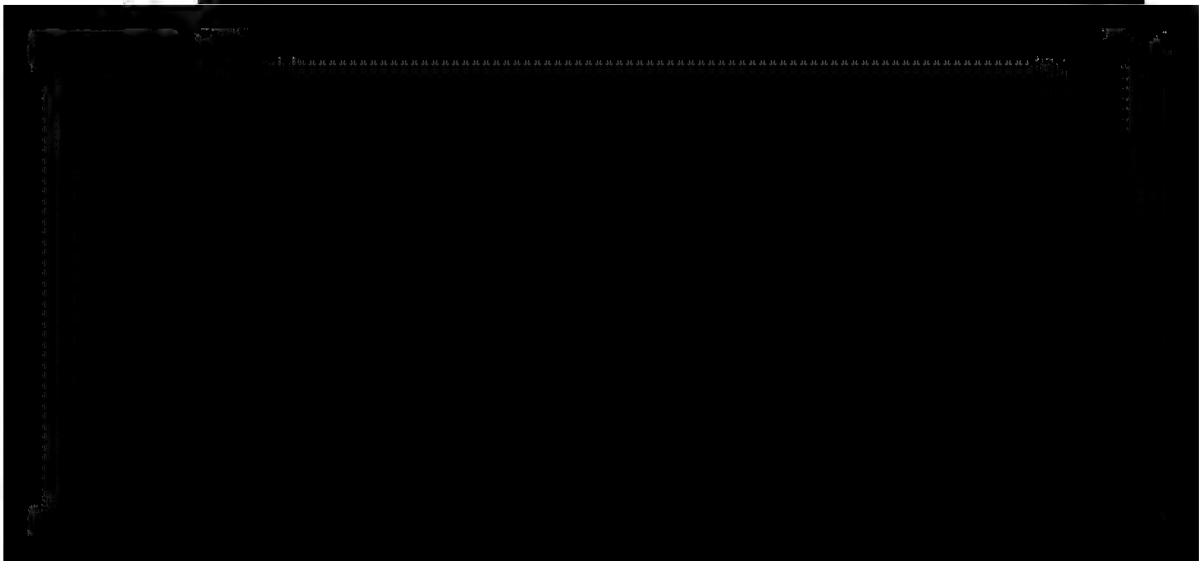
[REDACTED]



265. January 27, 1995 NSC Meeting. A second meeting was held at the NSC on January 27 and attended by [REDACTED] Feinberg, Blakeman, Patterson, and Wilhelm. NSC and State had reviewed the January 27 Agency analysis, and the attendees reviewed the draft language for a demarche prepared by State's Patterson. The language was approved pending clarification [REDACTED]

[REDACTED] again raised CIA concerns about the need to notify the oversight committees, and the other attendees asked that CIA defer notification in order to permit policymakers to complete their strategy and allow the demarche to go forward.

266. [REDACTED]



267. January 30, 1995 Embassy Telegram. A January 30, 1995 message from Ambassador McAfee to State pointed out that the information in the January 25 report was second-hand and possibly no more than a rumor. She stressed the need for corroboration before acting on it. She asked that past reporting concerning Bamaca be taken into account, questioned the conclusions in [REDACTED] January 27 analysis and included a review of earlier reporting concerning Bamaca. McAfee referred to Alpirez's negative reputation, but questioned whether he could be condemned for having killed Bamaca solely on the basis of one report. Further, she pointed out that Alpirez was unpopular within the Army and noted the possibility that he was being set up as a scapegoat. She also expressed concern about [REDACTED] welfare and about damage to the peace process in Guatemala if a demarche were issued. Finally, she asked that [REDACTED] be consulted as to how a demarche would affect him and requested that the allegations be investigated before a demarche was made.

268. January 30, 1995 NSC Meeting. A third meeting was held on January 30 and attended by [REDACTED] Feinberg, Blakeman, Bruce Pease of the NSC, Director of State Department's Office of Central American Affairs John Hamilton, Wilhelm, and Mary Ellen Warlow of DoJ. At this meeting, according to a memorandum prepared by C/LA, [REDACTED] Hamilton provided copies of the January 30 message from Ambassador McAfee raising concerns about the circumstantial nature of the evidence linking Alpirez to Bamaca's disappearance. [REDACTED]

[REDACTED] Feinberg requested a briefing and written comment on the message by DI analysts.

269. January 31, 1995 NSC Meeting. The memorandum prepared by [REDACTED] concerning the fourth NSC meeting on January 31, 1995 indicates participants were the same individuals who attended the January 30 meeting. That memorandum also states that DI analysts had prepared the written analysis Feinberg had requested

and were able to satisfy NSC and State representatives that there was a strong circumstantial case against Alpirez. (The January 31 analysis is set forth in further detail in paragraph 102 of Volume III.)

270. The Agency was released to notify the intelligence committees after this meeting. On February 3, 1995, the committees were told of the January 25 intelligence report that Alpirez had killed Bamaca, [REDACTED] and the October 1991 allegations that Alpirez had been present at the interrogation of DeVine. A demarche mentioning Alpirez by name was prepared, sent to the Embassy and presented by Ambassador McAfee to Guatemalan President De Leon on February 6.

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Chronology: Key Events Pertaining To Efrain Bamaca Velasquez

1983-1991	Several Agency intelligence reports indicate that Efrain Bamaca Velasquez, also known as "Commander Everardo," was active in the ORPA guerrilla group.
	1991
September 25	Declaration and Registration of Marriage filed by Jennifer Harbury in Texas (June 22, 1993) claiming she and Bamaca were married on this date.
	1992
March 13	[REDACTED] Guatemalan Army captured Bamaca near San Marcos the previous day. Though lightly wounded, Bamaca was said to be in good physical condition and cooperating fully with the Army.
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
	1993
February	Two former URNG guerrillas tell U.N. Human Rights Commission in Geneva that they escaped from a Guatemalan military clandestine prison where they saw Bamaca in March and June 1992.
March 9	Harbury requests U.S. Embassy help in determining Bamaca whereabouts and arranging for exhumation of grave where he may be buried.
[REDACTED]	[REDACTED] confirmed two former URNG guerrillas' statements that the Guatemalan military was holding captured guerrillas, including Bamaca, in clandestine prison cells.
September	Harbury stages first hunger strike in Guatemala City.
September 19	[REDACTED] that Bamaca had been captured alive, held incommunicado, interrogated a number of times, and then killed.

[REDACTED] reports that Guatemalan military was concerned about allegations by two URNG guerrillas of clandestine prisons and cemeteries.

1994

January 12

Harbury tells McAfee that Colonel Alpirez and Major Sosa were identified by witnesses as having supervised the torture of Bamaca while he was held at a military base.

[REDACTED] reports Alpirez [REDACTED] personally interviewed Bamaca after his capture.

[REDACTED] Guatemalan Minister of Defense ordered purging of documents that contain information on clandestine cemeteries.

May 20-30

Harbury meets with McAfee and the Guatemalan Defense Minister regarding Bamaca's whereabouts.

October 7

In a sworn statement issued in Washington D.C., former URNG guerrilla Santiago Cabrera states that Alpirez was at the military base where Bamaca was being held and present at Bamaca's interrogation.

October 8

Harbury meets with McAfee again to request assistance in determining Bamaca status.

October 11

Harbury begins second hunger strike in Guatemala City.

October 27

De Leon announces new investigation into the Bamaca case and names a special coordinator to head it.

November 4 & 7

DO and DI briefings of HPCSI and SSCI staff members on Bamaca.

November 11

McAfee presents demarche regarding Bamaca to De Leon. McAfee also meets with Harbury and advises her that the State Department has concluded that Bamaca was taken captive but was only alive for a few weeks after his capture.

November 21

National Security Adviser Lake meets with Harbury and affirms that there is no evidence that Bamaca is still alive. Lake tells Harbury that it was reported that Bamaca was held prisoner as late as July 1992.

[REDACTED]

[REDACTED] reports to have been told by a [REDACTED] Guatemalan that Alpirez was in charge of the interrogation of Bamaca.

December 7

Lake meets with Guatemalan Foreign Minister Ruiz de Vielmar and presses for thorough investigation of Bamaca case.

[REDACTED]

[REDACTED]

[REDACTED] also reports that Major Oliva Germeno, Colonel Leonel Godoy, and Alpirez all worked with Bamaca after his capture in San Marcos.

December 19

Deputy Assistant Secretary of State (DAS) Patterson informs Harbury that the U.S. Government believes that Bamaca is dead.

1995

January 25

[REDACTED] told by [REDACTED] Guatemalan [REDACTED] who was told by [REDACTED] that it was known within the senior ranks of the Guatemalan Army that Alpirez killed Bamaca.

February 3

DO/LA representatives notify HPSCI and SSCI staff members in separate sessions of Alpirez's alleged involvement in Bamaca's death

[REDACTED]

February 6

McAfee presents demarche to De Leon and asks for a thorough investigation, requesting that Guatemalan investigators interview Guatemalan Army officers who may have been present in the area where Bamaca was captured in 1992.

February 8	<p>- DAS Patterson advises Harbury of McAfee's demarche and informs her that, according to available data, Bamaca appears to have been killed following his capture.</p> <p>- McAfee meets with Guatemalan Chief Prosecutor and urges him to undertake a thorough investigation regarding the disappearance of Bamaca.</p>
March 7	McAfee meets with Harbury and tells her that the evidence indicates that Bamaca is dead. However, no one knows the exact circumstances or precisely what happened to him.
March 10	State Department press release states that the Guatemalan Government has been urged to provide a full accounting of Bamaca's disappearance. The press release announces that the U.S. Government has suspended the participation of Guatemalan military personnel in International Military Education and Training Programs in the U.S.
March 22	Representative Torricelli sends a letter to President Clinton and the New York Times, charging the CIA with direct involvement in the murders of DeVine and Bamaca.
March 27	The Public Prosecutor's Office in Guatemala City interviews Alpirez in connection with Bamaca's disappearance. Alpirez reportedly denies knowledge of Bamaca's capture, interrogation or relocation among various military units.
April 4	Harbury tells SSCI that Bamaca vanished in combat on March 12, 1992, near the Guatemalan-Mexican border area. She explains that former URNG guerrilla Santiago Cabrera witnessed Alpirez's presence at Bamaca's torture and interrogation.
May 2	A military court in Retalhuleu rules that there is no reason to hold Alpirez and other members of the Guatemalan military who may have been involved in the capture and torture of Bamaca.
May 18	<p>- According to [REDACTED] Guatemalan Defense Minister Enriquez said that the Bamaca case should be taken up by the Historical Clarification Commission after a final peace agreement is signed between the Government and the URNG.</p> <p>[REDACTED] reports that he learned that Alpirez was not involved in the death of Bamaca.</p>

WHAT INFORMATION WAS AVAILABLE TO THE CIA BETWEEN FEBRUARY 1995 AND MAY 18, 1995 CONCERNING BAMACA? HOW WAS THAT INFORMATION HANDLED? HOW RELIABLE WERE THE CIA ASSETS FROM WHOM THE INFORMATION WAS ACQUIRED?

271. January-February 1995 Embassy Telegrams. In two separate telegrams, the Embassy described reports issued by the Guatemalan Human Rights Ombudsman's office. The first report, dealt with a 30-day investigation into the disappearance of Bamaca. The Embassy commented that the investigation by the Ombudsman's office was limited in scope. The investigation concluded that Bamaca was not found to be detained by any Guatemalan officials or security forces and that it could not be determined whether Bamaca was alive or dead. According to the Embassy, responsibility for the investigation had now reverted to the Attorney General's office. In the second report, the Ombudsman's office concluded that the human rights situation in Guatemala had not improved and the security forces were still abusing individual rights. This report, according to the Embassy, was disappointing in that it was superficial and reached conclusions not fully supported by the facts.

272. On February 8, 1995, Harbury asked DAS Patterson to expedite her Freedom of Information Act (FOIA) request and to provide her with access to classified information pertaining to Bamaca's disappearance. Harbury told Patterson that she planned to conduct another hunger strike on March 12, 1995 if the U.S. Government did not impose sanctions against Guatemala. In response to Harbury's requests, Patterson reiterated the U.S. Government's continued commitment to seek a full account of Bamaca's fate and suggested that Harbury file another FOIA request to obtain the classified information she was seeking. Patterson also told Harbury that "we do not have conclusive evidence but we believe that Bamaca did not survive for more than a few weeks after his capture."

273. [REDACTED]

[REDACTED]

274. February 24, 1995 Embassy Telegram. On February 17, 1995, Ambassador McAfee reported that Harbury stated that she intended to file suit against the U.S. Government if her FOIA request was not completed in a couple of weeks. McAfee also reported that Harbury reiterated her belief that the U.S. should impose economic sanctions against Guatemala. Harbury stated McAfee told Harbury that she did not believe Bamaca was alive because there was no evidence to support that belief. Harbury stated that her efforts were progressing on several fronts: a) a criminal case against individual Guatemalan military personnel; b) a suit against Guatemala filed with the OAS; c) a series of complaints filed with the OAS alleging Guatemalan harassment against her; d) a March 12 planned hunger strike; e) various nonspecific efforts on the international level; and, f) a movie to be produced by Castlerock Productions. In regard to the FOIA request, McAfee directed Harbury to the State Department in Washington.

275. [REDACTED]

[REDACTED]

[REDACTED] noted that the Guatemalan military had hired a Miami-based lawyer to provide counsel for the 23 military personnel who had been identified in Cabrera's testimony. The Station apprised the DO at Headquarters of [REDACTED] information [REDACTED]

276. February 27, 1995 Intelligence Report. [REDACTED]

[REDACTED] the Station obtained information [REDACTED]

[REDACTED] the Guatemalan Government conducted an intensive

investigation and a three month search for Bamaca during the period October to December 1994 before concluding that Bamaca died of wounds received in a firefight in March 1992. Three separate investigations, conducted simultaneously under the direction of the Guatemalan Supreme Court and Attorney General, Public Minister and Prosecutor General, and the Office of Human Rights Attorney General Jorge Mario Garcia, failed to produce any credible leads in Guatemala.

277. When commenting on unsuccessful efforts to exhume and identify Bamaca's remains on separate occasions in August 1993 and in November 1994, [REDACTED] explained that this was neither unusual nor indicative of efforts to prevent the release of Bamaca's remains. They explained that the military elements from Quetzaltenango Department (Military Zone 1715) who killed Bamaca in a firefight on March 12, 1992 were not aware of Bamaca's identity nor of the significance of his capture until a day or two after the firefight. Bamaca, [REDACTED] had no identity documents on his person when he was searched after the firefight. When Bamaca died of wounds, his remains were buried by military personnel without much attention to the site or circumstances. The armed forces did not learn of Bamaca's identity until they intercepted a [REDACTED] advising ORPA leader Rodrigo Asturias of "Comandante Everardo's" loss in the firefight.

278. The Station sent the information [REDACTED] to Headquarters on February [REDACTED] 1995, including an Embassy comment that the investigations referred to were all cursory at best. The information was combined with that received [REDACTED] about the Miami-based lawyer and, [REDACTED] [REDACTED] was disseminated [REDACTED] on February 27 to:

U.S. Embassy, Guatemala;
White House Situation Room;
State, INR;
NSA;

DLA;
Treasury;
USCINCSO;
Intelligence Units of the Army, Navy, Marine Corps
and Air Force; and
DOEHQ/IN.

279. [REDACTED]

280. February 27, 1995 Station Report. On February 24, 1995 the Embassy's human rights officer offered to allow the Station reports officer to review an internal Embassy memorandum relating to the Bamaca case. The memorandum quoted an [REDACTED] official who interviewed a Guatemalan military officer who was a prisoner in Guatemala City. The officer reportedly was in Quetzaltenango when Bamaca was being held there and may have seen Bamaca as late as December 1992. The officer told the [REDACTED] that Bamaca was moved around a lot by G-2 personnel from military post to military post to provide additional security for the operation. However, Bamaca was also taken to D-2 Headquarters in Guatemala City for more intensive interrogations. Bamaca reportedly was immobilized with a cast on his leg to prevent him from escaping. The officer said that, while posted at the Santa Ana Berlin military post (outside Coatepeque) in Quetzaltenango Department, his curiosity got the best of him and he made an unauthorized entrance into the area where Bamaca was being held. He was caught and was punished for his security breach. According to the officer, Bamaca was carted away to Guatemala City and that was the last he was heard of during the time the officer was in western Guatemala.

281. The Embassy human rights officer noted, however, that his [REDACTED] contact stated that the officer gave contradictory and speculative answers regarding what happened to Bamaca after the officer's departure. Further, the [REDACTED] did not

believe the officer has any idea what happened to Bamaca after January 1993.

282. On the morning of February 27, the Station received a formal copy of the memorandum from the Embassy. However, later the same day, the human rights officer asked the DCOS to return the memorandum to the Embassy. The human rights officer said he was not authorized to pass the memorandum to the Station and was not sure the Station was to know about it. The DCOS initially surrendered the memorandum without making a photocopy.

[REDACTED]

283. [REDACTED]

[REDACTED]

284. [REDACTED]

[REDACTED]

[REDACTED] the Embassy had sent a message to State Department explaining why the officer's story "sounds fishy."

[REDACTED]

285. February 28, 1995 Intelligence Report. [REDACTED]

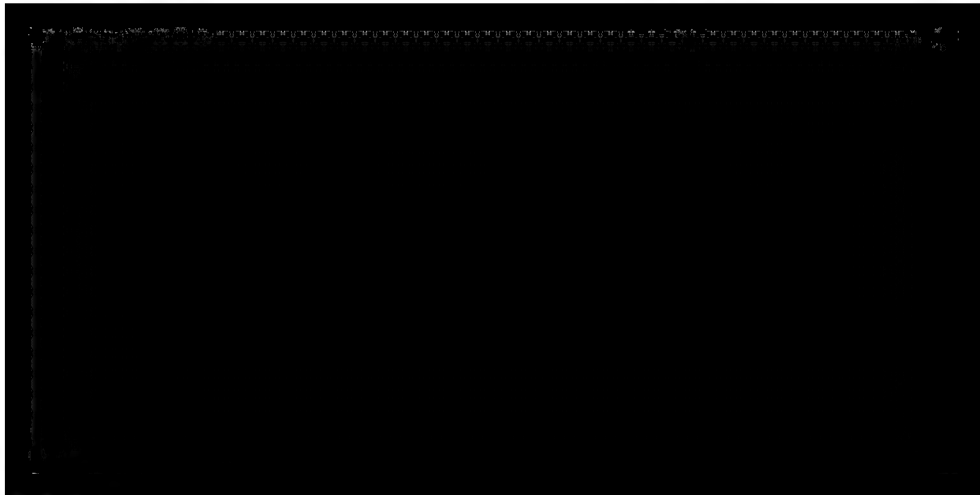
[REDACTED] the Station obtained information [REDACTED] that Guatemalan President De Leon agreed to launch a new and reinvigorated investigation into Bamaca's death. [REDACTED]

[REDACTED] the decision was made in the wake of a meeting between members of the Guatemalan Government Peace Commission (COPAZ) and a former U.S. Ambassador to El Salvador, who was now representing Harbury. President De Leon also agreed to task the Guatemalan Prosecutor General and Public Minister to conduct a thorough investigation into the circumstances surrounding the death of Bamaca. There were also plans [REDACTED]

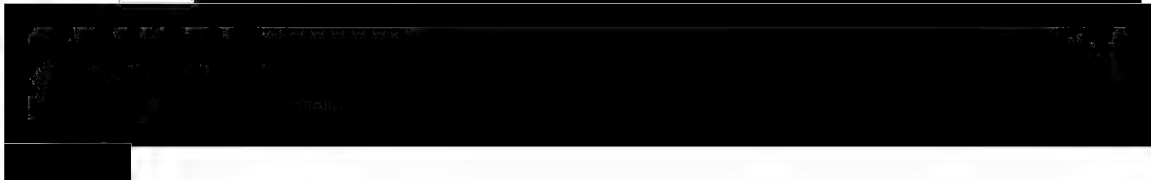
[REDACTED] to take declarations from two former ORPA insurgents who were

presently abroad, and who had testified that they saw Bamaca in an Army clandestine jail. Their declarations and declarations made by Harbury would be used in the investigation.

286. The Station sent the information to Headquarters on February [REDACTED] 1995, and it was disseminated [REDACTED] the same day to:



287. [REDACTED]



288. February - March 1995 Embassy Telegrams. On February 16, Ambassador McAfee encouraged Guatemalan Army Chief of Staff Gonzalez Taracena to support Public Ministry questioning of Guatemalan Army officers assigned to San Marcos in 1992. On March 6, McAfee again raised with Gonzalez Taracena and MOD Enriquez the need for positive movement on the Bamaca case.

289. March [REDACTED] 1995 Station Report. [REDACTED]



the Guatemalan Government's principal defense with regard to the Bamaca case would be to emphasize that Bamaca was a murderer and terrorist, not a U.S. citizen, and to attempt to prove to the satisfaction of the U.S. media that Bamaca's marriage to Harbury was fabricated as part of a politically motivated conspiracy to embarrass the Guatemalan Government.

290.

291. March 1995 Intelligence Report. the Station obtained information concerning a meeting between Guatemalan military officers attached to the Presidential staff and civilian members and COPAZ to discuss the possibility of a thorough investigation into the death of Bamaca. According to a member of COPAZ tried to persuade the military officers to work towards obtaining a truthful and credible version of the events leading to Bamaca's death. The COPAZ member explained that the many different versions circulating about Bamaca's disappearance do nothing but discredit the Guatemalan Government and could become a major obstacle in the peace process. The military officers reacted with some hostility, saying the COPAZ member was trying to force the military to come up with scapegoats. The civilians at the meeting disagreed with the military officers and suggested that a better solution would be for the Army to admit it had Bamaca and that Bamaca had cooperated with the Army. This suggestion was also rejected by the military officers who said that the version of events claiming Bamaca was killed in combat was truthful.

292. According to [REDACTED] the military will resist pressure from civilians in the Executive branch because it believes it would have to compromise some of its officers and admit to wrongdoing. Civilians in the Executive branch are trying to enlist the support of MOD Enriquez to have the Army come up with a different—and more truthful—version of events.

293. The Station sent the information to Headquarters on March [REDACTED] 1995, and it was disseminated [REDACTED] the same day to:

U.S. Embassy, Guatemala;
White House Situation Room;
State, INR;
NSA;
DIA;
Treasury;
USCINCSO;
Intelligence Units of the Army, Navy, Marine Corps
and Air Force; and
DOEHQ/IN.

294. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

295. March 7, 1995 Intelligence Report. [REDACTED]

[REDACTED] that MOD Enriquez said during a briefing [REDACTED] that a body exhumed during the search for Bamaca's remains was indeed Bamaca. According to a Station comment, this was presumably a reference to one of three bodies exhumed on August 17, 1993. According to the military investigation, the judge who presided over the exhumation and subsequently declared that the exhumed body was not that of Bamaca was paid to do so, although MOD Enriquez did not explicitly say so during the briefing. MOD Enriquez stated that the judge, who is currently retired, will soon present himself in

court to change his former assessment and will declare that the body that was exhumed was indeed the remains of Bamaca.

296. The Station sent the information to Headquarters on March 7, 1995, and it was disseminated [REDACTED] the same day to:

U.S. Embassy, Guatemala;
White House Situation Room;
State, INR, DSITA;
NSA;
DIA;
Treasury;
USCINCSO;
Intelligence Units of the Army, Navy, Marine Corps
and Air Force;
DOEHQ/IN;
Secret Service; and
FBI.

297. [REDACTED]
[REDACTED]
[REDACTED]

298. March 10-13, 1995 Embassy and State Telegrams.

Harbury concluded a brief visit to Guatemala, meeting with Ambassador McAfee just prior to her return to Washington to begin another hunger strike. Harbury requested that McAfee approach Guatemalan authorities on her behalf to urge them to recognize the validity of her Texas marriage to Bamaca so that she could be guaranteed access to the Guatemalan court system. Harbury expressed her displeasure that a FOIA request submitted to State had not been complied with yet. She repeatedly asked if the U.S. Government had evidence or reliable information that Bamaca was dead. McAfee told Harbury that all available evidence indicated that Bamaca is dead.

299. Simultaneous meetings between Ambassador McAfee and the Guatemalan Foreign Minister in Guatemala, and Central American Affairs Director Hamilton and Guatemalan Ambassador Mulet in Washington discussed Guatemalan Government policy on Bamaca and the U.S. cancellation of Guatemalan participation in the International Military Education and Training (IMET) programs. In Guatemala, the Acting Foreign Minister told McAfee that the Guatemalan Government considers the Bamaca case to be open and is pursuing it. He explained that he believed that Harbury's goal was not justice, but to damage bilateral relations. In Washington, Mulet delivered a press statement and a White Paper on Bamaca's case, noting that the Guatemalan Government's position was that Bamaca was not captured by Guatemalan military forces. Hamilton informed Mulet that the U.S. was suspending the participation of Guatemalan military personnel in IMET programs for the remainder of 1995 due to a lack of substantial progress in the Bamaca, Myrna Mack, Michael DeVine, Nicholas Blake, Griffin Davis, and Diana Ortiz cases.

300.



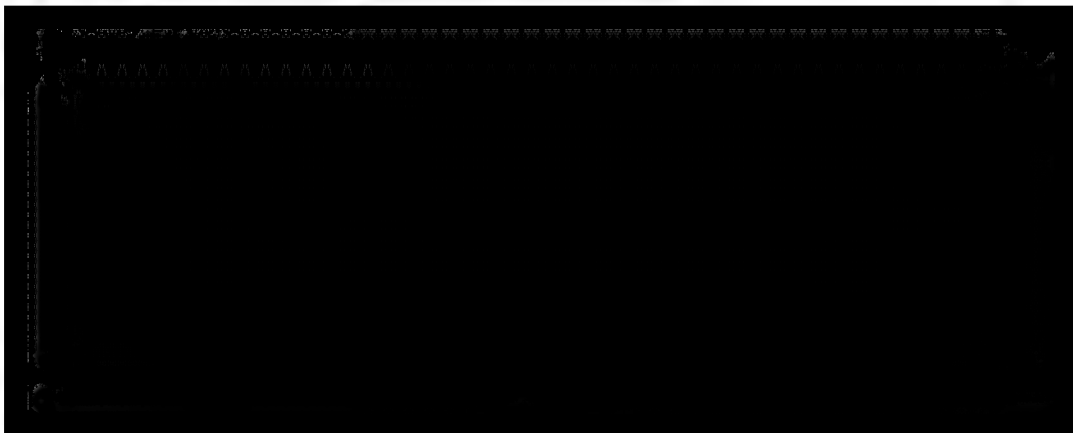
301. March 15-17, 1995 Embassy and State Telegrams. The U. N. Human Rights Verification Mission in Guatemala (MINUGUA) issued its first report on March 13, 1995, according to the Embassy. The report detailed numerous human rights violations, many apparently connected to government security forces. The report also cited the URNG for human rights violations.

302. Washington-based URNG representative Francisco Ortega told State Department Senior Adviser Nuccio on March 15, 1995 that ORPA leader Asturias shared the URNG view that Harbury's actions are not politically helpful. Ortega also told Nuccio that he believed Harbury was "obsessed" and could not be stopped from conducting her latest hunger strike, that began on March 12, 1995. In Guatemala City, DCM Keane pressed the Guatemalan Prosecutor General to begin interviews of individuals who may be involved in the disappearance of Bamaca. Keane also asked the Prosecutor General to consider recognition of Harbury's Texas marriage.

303. March [REDACTED] 1995 Intelligence Report. The Station obtained information [REDACTED] that at the time of Bamaca's capture [REDACTED] [REDACTED] officers visited an imprisoned Bamaca at a Guatemalan Army base in San Marcos Department. [REDACTED]

[REDACTED] added that the Guatemalan Army will "in no uncertain terms" hold to its official account of the events of March 1992, that is, that Bamaca was killed in the course of a firefight with an Army patrol.

304. The Station sent the information to Headquarters on March [REDACTED] 1995, and it was disseminated [REDACTED] the same day to:



305.

306.

307. March 21 and 24, 1995 [REDACTED] Reports. According to the

[REDACTED]
Guatemalan Army Chief of Staff Gonzalez Taracena stated that the Army was losing credibility over the Bamaca case. [REDACTED]


[REDACTED] reported that mid-level officers are beginning to question what really happened to Bamaca and may be pressuring the Army's leadership for answers in the case.


308. March 27, 1995 Alpirez interview by the Guatemalan Public Prosecutor. On March 27, 1995, Alpirez was interviewed at the Public Prosecutor's Office in Guatemala City in connection with

the special investigation into Bamaca's disappearance conducted by the Guatemalans. According to a transcript of the interview [REDACTED]

[REDACTED] Alpirez recalled that he was named Third Commander of Military Zone 18 (San Marcos) on January 1, 1992 and was transferred to another post on November 30, 1992. He said he served in San Marcos 11 months and his duties consisted of assisting the Second Commander of the zone in coordinating the activities of the general staff, monitoring the upkeep of the base facilities, and supervising the mechanical services and enlisted men's training. Alpirez specified that, as Third Commander, he was in command of no units and had no troops under his command. He went out on no missions because his work was done at command headquarters, although he occasionally oversaw administrative aspects of the detachments. He denied knowledge of military operations conducted against insurgents in Quetzaltenango Department and Military Zone 18 and pointed out that, jurisdictionally, Quetzaltenango Department is independent of Military Zone 18 (San Marcos). He stated that he was not aware of any capture of insurgents while he was Third Commander of Military Zone 18. He denied knowing anything about the capture of Santiago Cabrera, and said he had not spoken with Cabrera and interrogating was not among his duties. Alpirez denied knowledge of Bamaca's capture, interrogation or being moved among various military units.

309. [REDACTED]



310. March 28 and 29, 1995 Embassy Telegrams. The Embassy reported that Guatemalan Public Ministry Prosecutor Machuca said that he interviewed Colonel Alpirez for six hours. Afterward, Machuca announced that he was still undecided as to whether or not Alpirez needed to be brought to court. Prosecutor General Ramses Cuestas, Machuca's supervisor, explained that the Guatemalan Government is interested in fully investigating the matter and has requested documentary information pertaining to Congressman Torricelli's allegations. In addition,  reported that Alpirez denied any involvement in the DeVine or Bamaca cases during his interview with the Public Ministry. The source said that Alpirez also denied ever working as a CIA asset.

311. 



312. March-April 1995 Embassy and State Telegrams. On March 30, the Embassy reported that Ambassador McAfee met with Guatemalan Prosecutor General Cuestas and urged him to quickly reinterview the other Army personnel implicated in the Bamaca case. Cuestas told McAfee that he wanted to get Santiago Cabrera's official statement as well as the evidence that Congressman Torricelli and the U.S. Government had on the case. Cuestas noted that he planned to send Prosecutor Machuca to Washington to obtain the evidence.

313. The Embassy also reported on April 3, 1995 that one of President De Leon's closest private advisors, Jorge Arenas, requested the establishment of a private communications channel between the U.S. and Guatemalan Government that would hopefully result in the achievement of a positive outcome in the Bamaca case. Arenas expressed great personal concern to McAfee over the inadequate response to date of the Guatemalan Government, calling it negative and even harmful. He said he had a long talk with President De Leon about his concerns and offered himself as an intermediary to try to develop a proactive positive solution to the problem.

314. On April 4, 1995, the State Department instructed Ambassador McAfee to deliver a demarche, using provided talking points, and a letter from the Secretary of State to Guatemalan President De Leon. The letter and the demarche stressed the importance of bringing to justice the murderers of DeVine and Bamaca. It also stressed the U.S. Government's willingness to cooperate toward that end.

315. In following State's instructions, McAfee reported that she met the same day with President De Leon and that De Leon showed a commitment toward full cooperation to resolve both the Bamaca and DeVine cases. However, De Leon initially indicated that, since Bamaca is now accepted as dead, the case should be kept for the Historical Clarification Commission, because Bamaca was a guerrilla who died in the war. Then, after the meeting, De Leon obviously reconsidered what he had said and called McAfee to express a willingness to continue to seek ways to resolve the case, without taking rigid positions that would constrain future action.

316. According to an Embassy analysis, reported on April 4, the De Leon Government is currently faced with growing problems and a shrinking support base. Exacerbating the situation are recent coup rumors that are most likely the result of the Bamaca, DeVine and CIA cases. In order to resolve these cases, the Embassy analysis noted that De Leon would have to take on the Army, and in doing this, he would be faced with a major problem because the Army represents his most important support base. The outcome, according to the analysis, could indicate paralysis for the De Leon presidency, until his departure from office in January 1996.

317. 

318. April 4, 1995 SSCI Hearing. According to a public transcript of the open session of the SSCI hearing, Harbury described her involvement in Guatemalan affairs and stated that her husband vanished in combat on March 12, 1992 in Guatemala near the Mexican border in ORPA territory. She also noted that the Army issued a brief statement the next day saying that they had found a cadaver after the combat and sent it to Retalhuleu for burial. Referring to Cabrera's statements about Bamaca, Harbury testified:

...I would for a long time have continued to think that he was dead and buried in Retalhuleu if Santiago Cabrera Lopez had not escaped from an army base in late 1992.

Now in fact Santiago had fought in my husband's division and he himself was taken prisoner in 1991. He had been very badly tortured for a period of about six months and was placed in a new experimental program being carried out by G-2, or military intelligence, which was only a few years old at that time. A few selected-out prisoners who were captured, instead of being promptly killed, were actually taken aside and subjected to long-term torture and psychological abuse until they would snap or break down and become part of a secret and permanent cadre of informants for the army. A number of these prisoners that he was able to name, we have confirmed are still alive and in army hands. Some of them have been alive for years. Again, the purpose was not to kill them, it was to keep them alive but broken.

On March the 12th, 1992, Santiago saw my husband in an army base, chained hands and feet to a bed, undergoing interrogation. He was even able to speak with him briefly because the G-2 officials wished for him to confirm that that was in fact the legendary Commander Everado that they had been trying to catch for so long. He saw him chained to a bed, hands and feet, without a blanket, under interrogation, for about 20 days. Everado was then moved; they were told he had been shot. But he saw him again in late July, 1992, in a different base.

This time, he saw him strapped to a hospital table with an unidentified gas tank next to the bed. He was stripped down to his underwear. His entire body was grotesquely swollen several times normal size. One arm was bandaged completely shoulder to wrist, and one leg was bandaged completely hip to ankle as if they had ruptured, and he was speaking in a raving voice.

The man bending over the torture table was someone that Santiago knew quite well; it was Colonel Julio Alpirez. Santiago also named first name, both last names, rank and position of all the other very high level intelligence officials who were involved in his torture and interrogation. He also said that they had actually called a doctor to stand by to make sure they didn't accidentally kill Everado. The point was to break him, not to kill him. He was the goose that laid the golden egg in terms of military intelligence.

There's nothing, after 17 years as a commander and founder, that he did not know.

Santiago did see him alive a few days later. The swelling had gone down. He looked very ill but he was still alive. He could not see the arm and leg because he was dressed in a military uniform. A few months later, Santiago escaped having not seen Everado (sp) again, and had been threatened many, many times to never tell of what he had seen.

Mr. Cabrera Lopez in January met with me. I interrogated him very attorney style, up one wall and down the other. He has a memory like a computer and never contradicts himself. He went to Geneva and gave all of this testimony to the United Nations Conference in Geneva in February '93. I testified March the 4th, '93, and gave all of this list of names as well to the OAS InterAmerican Commission on Human Rights. I then proceeded to give all of this information to the State Department, to members of the United States Congress and Senate, and to all of the Human Rights Organizations, begging for help.

At that point, the army, of course, in Guatemala responded that it was a propaganda stunt, that Santiago was lying, that he was a deserter, he was trying to blackmail them, he was a drug-- and that my husband was buried in Retalhuleu where they told me in the first place. . . .

319. April 5, 1995 DAO Report. On March 24, 1995, a [redacted] [redacted] Bamaca was now "dust" and had died in Military Zone 1715 (Quetzaltenango) on the slopes of Volcan Santiaguito, a small active volcano in the heart of contested insurgent territory. [redacted] also told [redacted] that Bamaca had died on Volcan Santiaguito. [redacted] during the time Bamaca was held at San Marcos, Bamaca led a patrol, commanded by a Guatemalan intelligence officer named Jesus Efrain Aguirre Loarca, up Volcan Santiaguito in Military Zone 1715 to locate an arms cache. While on the slopes of the volcano, the patrol was ambushed by URNG insurgents. Aguirre was severely wounded in his right arm and in his anger made the decision to eliminate Bamaca, possibly by having him thrown into the active volcano. [redacted] confirmed that Bamaca had died that day on Volcan Santiaguito.

320. [REDACTED] commented that it would not have been unusual for an intelligence officer to make the decision on his own to eliminate an insurgent, even one like Bamaca who was deemed of value. [REDACTED] that at no time would a written record have been made of the events surrounding the death of an insurgent such as Bamaca. [REDACTED] opined that it would be easy to determine when Bamaca died as Aguirre's wound was so severe that shortly thereafter he traveled to a U.S. medical facility for treatment. The [REDACTED] report included a [REDACTED] noting that Aguirre traveled to the U.S. from March 18, 1992 to June 5, 1992 and again between September 6 and September 30, 1992. The [REDACTED] report was disseminated to DIA on April 5, 1995 and made available to Agency Headquarters 5 days later.

321. On April [REDACTED] 1995, [REDACTED]
[REDACTED] asking if the Station had collateral reporting that might confirm or disapprove the [REDACTED] assertions. The Station responded on April [REDACTED] referring to the considerable and often conflicting reporting received in the Bamaca case. The Station also stated that it had no information to prove or disprove that Aguirre Loarca had Bamaca killed in a fit of rage. [REDACTED]
[REDACTED]
[REDACTED]

322. April [REDACTED] 1995 Intelligence Report. [REDACTED] the Station obtained information [REDACTED]
[REDACTED] that [REDACTED]
[REDACTED]

there is fear and great preoccupation [REDACTED]
[REDACTED] that the scandal involving Bamaca and Alpirez will affect the evolution of the peace negotiations. The De Leon administration expects the URNG to use the scandal to place

demands on the Government with the objective of further delaying the signing of a peace agreement.


323. The Station sent the information to Headquarters on April [REDACTED] 1995, and it was disseminated [REDACTED] the same day to:

U.S. Embassy, Guatemala;
White House Situation Room;
State, INR;
NSA;
DIA;
Treasury;
USCINCSO;
DOEHQ/IN; and
Intelligence Units of the Army, Navy, Marine Corps
and Air Force.

324. [REDACTED]



325. April 7, 1995 [REDACTED] Report. On March 31, 1995, a [REDACTED] captain told [REDACTED] does not believe claims that Alpirez was responsible for the interrogation and subsequent death of Bamaca. According to [REDACTED]



[REDACTED]

[REDACTED] noting that, even though [REDACTED] can account for Alpirez's time during the first month or so of Bamaca's reported internment, it must be remembered that it was not until mid- July 1992 that ex-URNG guerrilla Cabrera identified Alpirez as one of Bamaca's interrogators. The [REDACTED] report was disseminated to DIA on April 7, 1995 and made available to Agency Headquarters 3 days later.

326. April 7, 1995 Embassy Telegram. The Embassy reported that on April 5, 1995, during a social gathering Ambassador McAfee encountered a defensive MOD Enriquez regarding the Bamaca and DeVine cases. Specifically, Enriquez persisted in supporting the official Guatemalan Government line that Bamaca disappeared during a firefight near Retalhuleu on March 12, 1992; the Army never had him; and the Army has no knowledge of his fate. In contrast, Enriquez displayed a possible willingness to reopen an investigation of the DeVine murder, to consider accepting an FBI advisory presence on some human rights cases, and to think about publicly announcing that MINUGUA the United Nations Human Rights Verification Mission in Guatemala had interviewed all ex-guerrillas still in Army custody.

327. Enriquez claimed that he had no personal knowledge of what happened to Bamaca as he was assigned to a different area of the country at the time of the disappearance. Enriquez also noted that no soldiers had come forward with information that Bamaca had been captured at Military Zone 18 in San Marcos or anywhere else. McAfee told Enriquez that specific U.S. Government information had been provided to President De Leon on the Bamaca case, that a February report indicated that Bamaca had been captured and detained by the Army at San Marcos, and that Colonel Alpirez, as one of the officers assigned to San Marcos at the time, certainly had knowledge of what happened to Bamaca. [REDACTED] was also in attendance at the breakfast and told Enriquez that the information was independent of that elicited from Santiago Cabrera.

328. Enriquez added that he now had a sworn statement from a former female guerrilla from Bamaca's unit who is currently a collaborator at Military Zone 18 in San Marcos. According to Enriquez, she saw Bamaca living with a female guerrilla companion at his guerrilla camp in San Marcos. She observed them kissing and embracing one another and said that she had never seen Harbury in the camp or with Bamaca. A picture of Harbury had been shown at the camp, and Harbury had been described to all the combatants as a collaborator and supporter of the guerrillas. Enriquez continued to reiterate that the Guatemalan Army never had Bamaca.

329.



330.



331. April [REDACTED] 1995 Intelligence Report. [REDACTED]

[REDACTED] obtained information [REDACTED] that the URNG planned to make the most of Harbury's denunciations of Guatemalan Government human rights abuses since the URNG anticipates that the accompanying scandal will divert Guatemalan Government and international attention from URNG noncompliance and foot-dragging in the peace process. [REDACTED]

[REDACTED] although Harbury is not a formal URNG official, she has had a long affiliation with the ORPA and has followed its directives. The URNG anticipates utilizing Harbury as an even more effective political tool [REDACTED] to divert international attention from URNG refusal to sign any peace agreement in 1995.

[REDACTED] at each contentious turn of the next negotiation round, the URNG plans to have Harbury increase her public denunciations of Guatemalan Government human rights abuses to discredit the Guatemalan Government.

332. [REDACTED]

[REDACTED] This information was sent [REDACTED] to the DO at Headquarters [REDACTED] and disseminated [REDACTED] as an intelligence report to: [REDACTED]

333. [REDACTED]

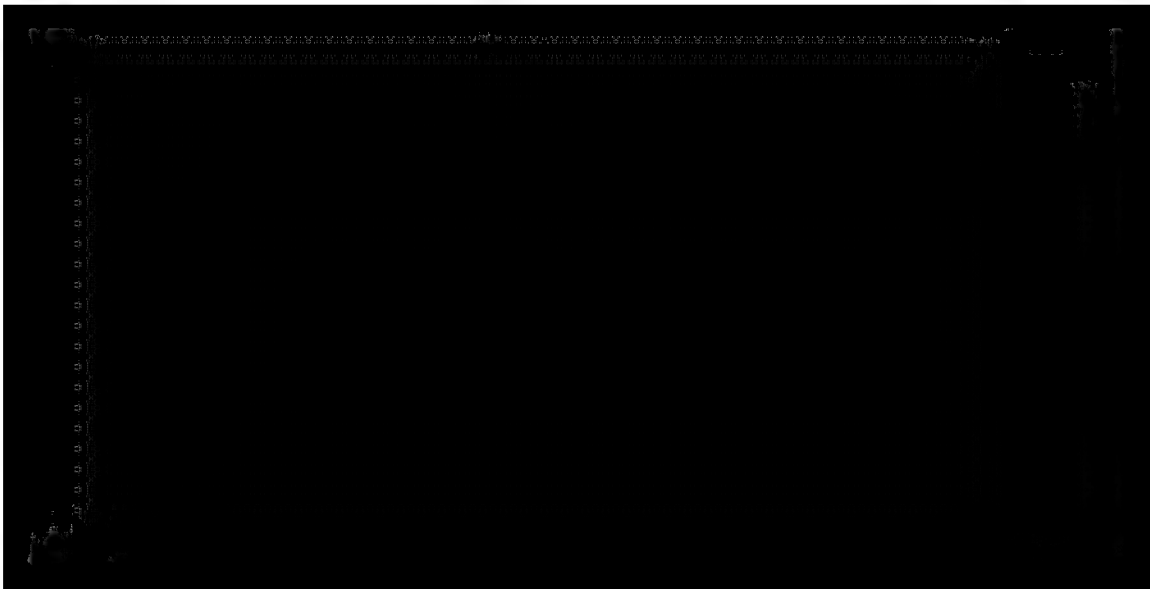
334. [REDACTED]

335. April 20, 1995 Intelligence Report. [REDACTED] the Station was told [REDACTED] for a possible Bamaca burial site. [REDACTED]

[REDACTED] advised [REDACTED] that Bamaca is said to be buried at the Cabanas Army detachment (San Marcos Department) which is located on the Cabuz River. In response to the Station's request for Headquarters' views on dissemination, Headquarters advised the Station [REDACTED] to resubmit the information and include appropriate comments to make clear the "rumor nature" of the information.

336. The Station sent the information to Headquarters on April 20, 1995, and it was disseminated on April 20 as an intelligence report [REDACTED]

[REDACTED]



337. [REDACTED]

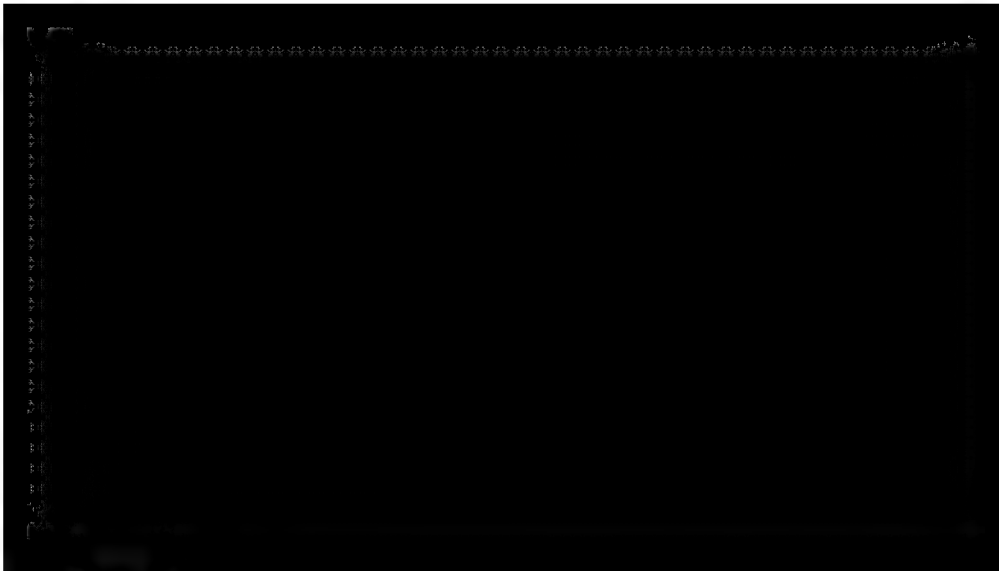


338. April [REDACTED] 1995 Intelligence Report. [REDACTED] the Station obtained information [REDACTED] that the Guatemalan Army is developing a campaign to publicize the guerrilla activities of Bamaca. [REDACTED]



[REDACTED] The plan calls for the formation of a committee made up of the families of soldiers the Army estimates were killed and wounded in ambushes likely organized by Bamaca. Ideas being considered by the Army include sending the family members to Washington to meet with members of the U.S. Congress, providing photos to the press of amputee soldiers wounded in the ambushes, and using the admission of Bamaca's American wife that she was with Bamaca during this timeframe.

339. The Station sent the information to Headquarters on April [REDACTED] 1995, and it was disseminated [REDACTED] on April [REDACTED] to:



340. [REDACTED]

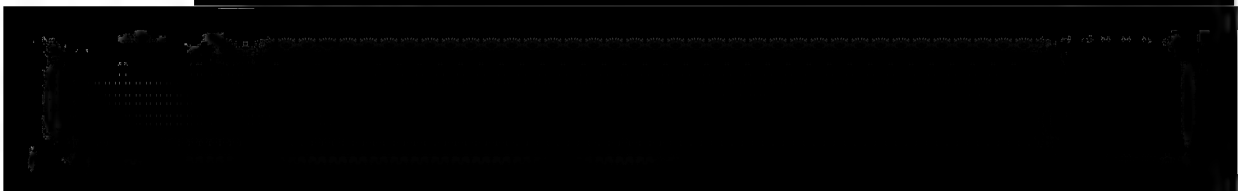
341. April [REDACTED] 1995 Intelligence Report. [REDACTED]

[REDACTED] obtained information [REDACTED]

[REDACTED] that the URNG high command [REDACTED]

[REDACTED] commenced a propaganda campaign in April to paint U.S. intelligence as the URNG's greatest enemy, and themes include the idea that U.S. intelligence was responsible for Bamaca's murder and has been supporting death squads in Guatemala. The URNG high command hopes this will help relieve it of international political pressure during the upcoming round of peace talks by embarrassing and weakening the Guatemalan military and the government of Guatemalan President De Leon as well as enlisting international public opinion on behalf of the URNG.

342. [REDACTED]



343. [REDACTED] sent the information to [REDACTED] Headquarters on April [REDACTED] 1995, and it was disseminated [REDACTED] on April [REDACTED] to:

[REDACTED]

344. [REDACTED]

[REDACTED]

345. April 26, 1995, Embassy Telegram. According to Embassy reporting, on March 17, 1995, the Political Counselor (accompanied by an ACS Officer) met with Vicente Arranz, President of the President's Commission on Human Rights (COPREDEH), to discuss

the Guatemalan Government's investigation into the Bamaca case. The Political Counselor also conveyed Harbury's request to be present at interviews of the Guatemalan military and expressed concern over the difficulties she was encountering in registering her marriage to Bamaca in Guatemala. Arranz confirmed that Public Ministry interviews of military members had not yet begun and offered several excuses for the delay. With respect to Harbury's request to attend all interviews and visits conducted in connection with the investigation, Arranz replied that he would respond officially after receiving the request in writing from the U.S. Embassy and after discussing it with the appropriate Guatemalan Government officials. With respect to the registration of her marriage, Arranz accepted the Embassy's concerns but noted that the marriage issue was not relevant to the investigation, which would continue regardless.

346. [REDACTED] the Station obtained information [REDACTED] that the Guatemalan Government was preparing to suspend senior military officers Roberto Alpirez and Garcia Catalan, who are implicated in the DeVine death and cover-up, until a judicial investigation clears their names or finds proof against them, in which case they will be disciplined. The Guatemalan Government does not intend to conduct further investigations into Bamaca's death. The Bamaca case will be left to the Historical Clarification Commission once a peace agreement is signed with the URNG. [REDACTED] because the government is seeking to have an amnesty in place for the Guatemalan military and members of the URNG by the time the agreement is signed, it is highly unlikely the Bamaca case will ever be fully resolved.

347. The Station sent the information to Headquarters on [REDACTED] and it was disseminated [REDACTED] on [REDACTED]

[REDACTED]

348. [REDACTED]

349. April 27, 1995 Embassy Telegram. The Embassy reported that on April 26, 1995 Ambassador McAfee met with Guatemalan President De Leon and discussed the DeVine and Bamaca cases. De Leon conveyed to McAfee that in his opinion Bamaca's disappearance and death should be dealt with by the Historical Clarification Commission. De Leon argued that the Bamaca case goes to the heart of the conflict and cannot be separated out from its ultimate resolution.

350. With respect to the DeVine murder, De Leon implied that it will be difficult to pursue the intellectual authors of the crime and those involved in the cover-up. De Leon explained that any such investigations (especially regarding the cover-up) could implicate a great number of officers including two past MODs. De Leon also suggested that Alpirez and Garcia Catalan were suspended due to their possible involvement in the deaths of two soldiers mentioned

recently by convicted DeVine killer Solbal, not for their involvement with the DeVine case which has already been tried.

351. April 28, 1995 Station Report. Headquarters cabled the Station on April 28 and requested its review of the NSC's request for release to Harbury of the location of the burial site included in the April 20, 1995 intelligence report. [REDACTED]

[REDACTED] The Station said, [REDACTED] that [REDACTED] the wording of the proposed release should offer the critical details to Harbury while giving some protection to the source. [REDACTED]

352. [REDACTED]

353. [REDACTED]

354. May 3, 1995 State Telegram. According to a Department of State telegram, on May 1, 1995, senior State officials John Hamilton and Richard Nuccio, met with Guatemalan President De Leon's Adviser for National Security, Jose Maria Argueta. Argueta appealed to the U.S. Government to provide President De Leon feedback on his actions on the DeVine and Bamaca cases. Argueta explained that some form of feedback would encourage De Leon to take steps described by Argueta in an April 26, 1995 meeting regarding the abolition of military commissioners, shake-up of the military high command and moving forward implementation of the Historical Clarification Commission.

355. Prior to the May 1, 1995 meeting, Hamilton and NSC staff member Chat Blakeman briefed Argueta on U.S. intelligence conclusions about the Bamaca case that were derived from interagency-cleared talking points. Specifically, U.S. intelligence indicated that Bamaca had been captured alive in the spring of 1992 by the Guatemalan military and had not died in a firefight as the Guatemalans contend. Bamaca was held by the Guatemalan Army in Military Zone 18 in San Marcos and was interrogated. Further, according to testimony of Santiago Cabrera, Alpirez had overseen Bamaca's interrogation with participation by other Guatemalan officers and soldiers (to include Military Zone 18, G-2, Major Sosa Orellana). Argueta claimed that the Guatemalan Government needs additional information to pursue a prosecution, but Hamilton and Blakeman contended that the information already passed to the Guatemalan Government provided sufficient leads to undertake an investigation.

356. May 4, 1995 Embassy Telegram. According to Embassy reporting, the Guatemalan press reported on May 2 that the military court in Retalhuleu had ruled that there was no reason to hold Alpirez and other members of the Guatemalan military in the capture and torture of Bamaca. The decision was the result of the Chief Prosecutor's preliminary investigation to determine whether an evidentiary basis existed upon which to bring charges against specific Guatemalan military members. Defense lawyers subsequently

requested the judge to "close the case or declare that there is no case." The judge acceded to that request, effectively closing the case to further investigation and judicial review.

357. May [REDACTED] 1995 Intelligence Report. [REDACTED]

Station obtained information [REDACTED]

[REDACTED] declarations by a military judge that there was no evidence to indicate Alpirez was involved in Bamaca's death and that the case was closed. [REDACTED]

[REDACTED] Guatemalan appeals court had upheld the military court's decision on May 2, 1995. [REDACTED]

[REDACTED] President, De Leon agreed he would instruct the Public Ministry to request a restraining order against the finding of the military court that would allow the case to remain open and the investigation to continue.

358. The Station sent the information to Headquarters on May [REDACTED] 1995, and it was disseminated [REDACTED] the same day to:

U.S. Embassy, Guatemala;
White House Situation Room;
State, INR;
NSA;
DIA;
Treasury;
USCINCSO;
Intelligence Units of the Army, Navy, Marine Corps
and Air Force;
Secret Service;
FBI; and
DoJ Command Center.

359. [REDACTED]

360. May 8, 1995 DAO Report. [REDACTED]

[REDACTED] Additionally, stress and tension remain within the Guatemalan Army as some senior officers choose their position over the issue of impunity. [REDACTED] noted that the DeVine, Blake, and Davis cases are viewed as legitimate for expeditious resolution in contrast to the Bamaca case.

361. With specific reference to the Bamaca case, [REDACTED] stated that Bamaca is dead and the case should be settled under the auspices of the Historical Clarification Commission once the war ends. Additionally, [REDACTED] stated that to continue to subject the Guatemalan Government to pressure for the resolution of the Bamaca case, would only serve to damage the already fragile peace negotiations as well as detract from the other cases such as DeVine, Blake and Davis.

362. May 9-11, 1995 Embassy Telegrams. The Embassy reported that Ambassador McAfee met with MOD Enriquez on May 7, 1995 at a social gathering. McAfee took the opportunity to press Enriquez regarding the need for continued progress in the Bamaca, DeVine and other human rights cases. Enriquez distinguished between the murder of DeVine and the death of Bamaca during the conflict. Additionally, Enriquez reiterated that the Guatemalan Government is actively searching for Contreras but that the Bamaca death would be a matter for the Historical Clarification Commission. Enriquez appeared cognizant of the need for the Guatemalan Government to resolve these cases but offered no new ideas about how to achieve that progress.

363. On May 9, 1995, the U.S. Consul General called upon Guatemalan Prosecutor General Ramses Cuestas to inquire as to the reasoning behind the removal of Special Prosecutor Lionel Machuca from the Bamaca and DeVine investigations. Cuestas revealed that he had recently discovered that Machuca had acted in direct contradiction to the Public Ministry's official position in the Bamaca case by failing to appeal the recent court decision to close the case to further investigation or review. Machuca subsequently lied to his superiors and to Embassy personnel in stating that the Public Ministry had appealed but that it had unfortunately been filed too late for consideration. Additionally, Cuestas noted that carbon copies of Alpirez's statement to the court had been tampered with. According to Cuestas, a confirmation of the decision by the military court would prevent Harbury or others from pressing any kind of criminal charges against Alpirez and the other military suspects in the future. Cuestas claimed to be preparing an appeal that will allow a reversal of the decision in the Bamaca case.

364. With respect to possible future litigation filed against Guatemalan military members on behalf of Harbury, Cuestas said that he would work with Harbury. However, he opined that the issue of the legality of her marriage would first have to be settled if she were to press charges as Bamaca's spouse.

365. May 11, 1995 DAO Report. The [REDACTED] that the Guatemalan Army believes that the U.S. Government is deliberately attempting to destroy the Army, but that these efforts are uniting the military rather than dividing it. Further, [REDACTED] officers in the Guatemalan Army believe that once the Army admits to wrongdoing and "sacrifices" an officer to the U.S., then the U.S. and others will seek out other officers and attempt to have them brought to justice for alleged crimes. [REDACTED] stated that "things" happened during the long war that would not be accepted today. [REDACTED] it is these occurrences that individual officers fear will be revealed and result in the ultimate destruction of the Guatemalan Army as an institution.

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366. Additionally, [REDACTED] no one has asked what DeVine was doing in Guatemala beyond the fact that he had a small hotel in Poptun. No one has inquired into allegations that he was involved in smuggling both arms and illegal contraband. [REDACTED] that with respect to Bamaca, it appears that everyone has accepted the statement that he was married to Harbury. [REDACTED] explained that no one has inquired as to whether Bamaca was already married in Guatemala. According to [REDACTED] Bamaca was in fact already married, and not only had a Guatemalan wife, but two children who currently live on a farm on the Pacific Coast.

367. May 12, 1995 Agency Chronology. An update to the January 27, 1995 chronology, prepared by DI [REDACTED] analyst [REDACTED] was published on May 12 and cited [REDACTED] intelligence reports that had been issued by the Agency and the DAO on Bamaca-related issues. The published update offered a summary of each intelligence report but included no analysis pertaining to Bamaca's fate.

368. On May 12, 1995, the Agency chronology was disseminated to various Agency components and:

Director, Inter-America Affairs, NSC;
Mr. Richard Feinberg, NSC;
Deputy Assistant Secretary, InterAmerican Regional Affairs,
Central American Affairs, State;
Director, Office of Central American Affairs, State;
Special Assistant to the Secretary of State;
AS, INR, State;
Guatemala Desk Officer, State;
Guatemala INR Analyst, State;
Director, NSA;
Director, DIA; and
Director (J-2), Pentagon.

369. [REDACTED]

[REDACTED]



370. May [redacted] 1995 Intelligence Report. [redacted] the Station obtained information [redacted] that [redacted]



[redacted] the Bamaca case was closed and should be taken up by the Historical Clarification Commission after a final peace agreement is signed with the Guatemalan insurgency. [redacted] any investigative effort into Bamaca's fate in the future should be the responsibility of MINUGUA.

371. The Station sent the information to Headquarters on [redacted] and it was disseminated [redacted] on May [redacted] to:



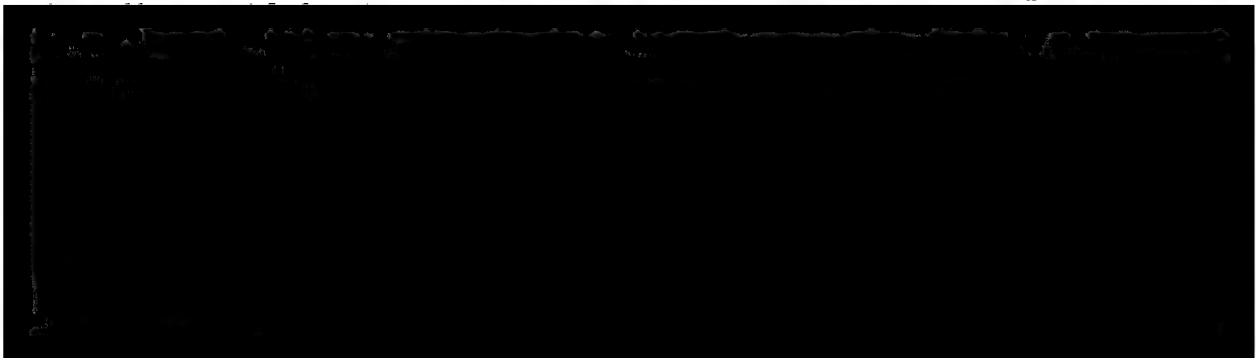


372. [REDACTED]



373. May [REDACTED] 1995 Intelligence Report. [REDACTED] the Station obtained information [REDACTED] that Alpirez was not involved in the death of Bamaca. [REDACTED]

[REDACTED] Bamaca was turned over to military intelligence in Guatemala City sometimes after his capture.



374. [REDACTED], the capture of Bamaca was an emotional event with the armed forces, which resulted in high level attention to the case. [REDACTED] the compartmentation and security of the operation was not maintained because of the excitement that resulted from the capture of an URNG commander. Bamaca was moved around San Marcos Department to help the Army understand URNG modus operandi and was recognized by enlisted men in the area as he traveled and assisted Army officers in identifying such things as insurgent arms caches.

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375 [REDACTED] commented that at the time of his capture Bamaca was the only URNG commander ever captured by the Army.

[REDACTED]

376. The Station sent the information to Headquarters on May [REDACTED] 1995, and it was disseminated [REDACTED] on the same day to:

[REDACTED]

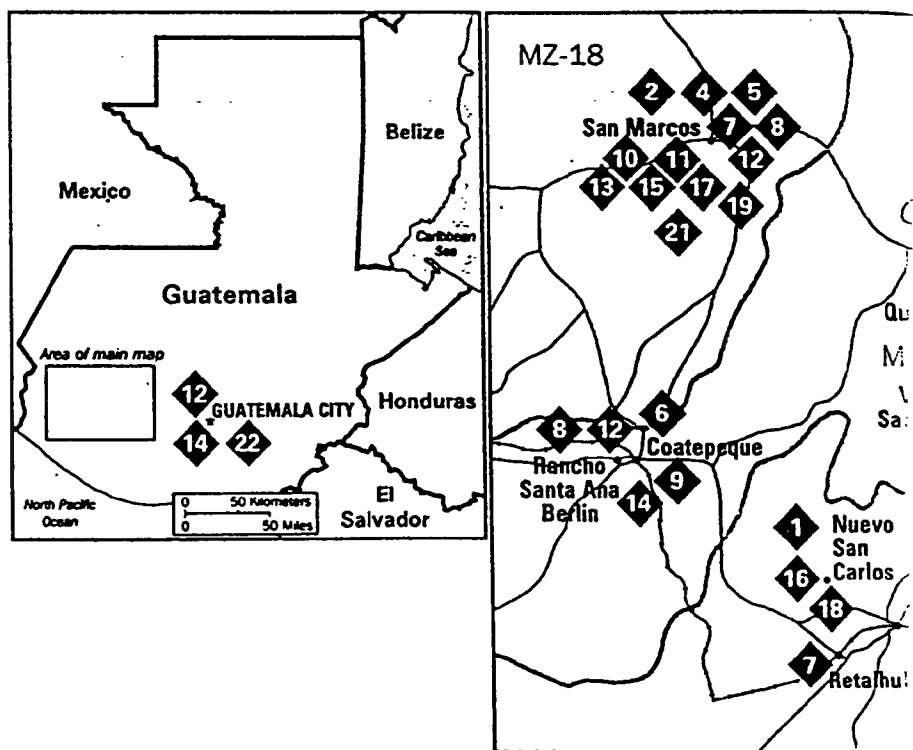
377. [REDACTED]

[REDACTED]

[REDACTED]

Reporting on Bamaca's Fate

Reporting by Date Information Available to CIA



Mar 1992

Guerrilla group leader killed at Nuevo San Carlos (Retalhuleu)

1 Date of event: March 12, 1992
Report source: Press

Everardo captured at San Marcos, in good health and cooperating with Army

2 Date of event: March 12, 1992
Report source: CIA

Everardo killed at Santa Cruz del Quiche, in combat

3 Date of event: Mar 1992
Report source: CIA

Apr 1992

D-2 reports Everardo dead

Date of event: No date
Report source: CIA

May 1993

Two ex-guerrillas claim Bamaca seen alive in clandestine prison

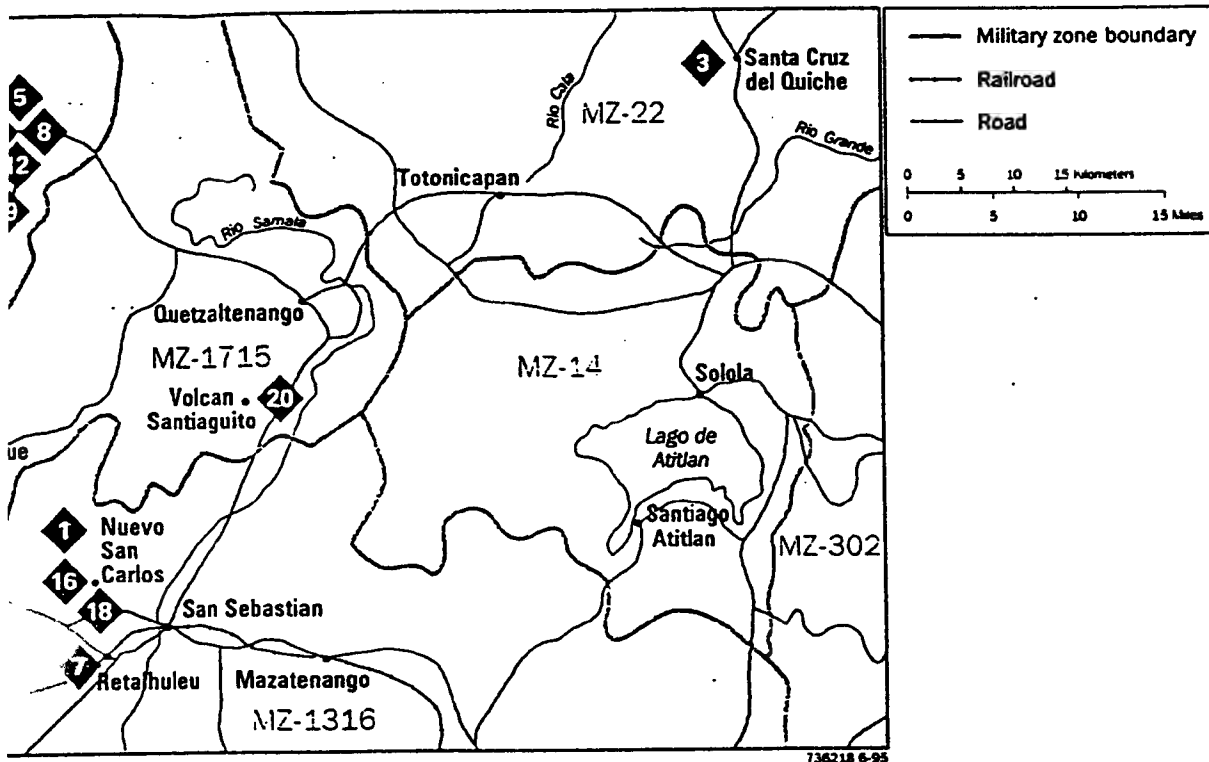
Date of event: 1992
Report source: State

confirms ex-guerrillas' claim

Date of event: 1992
Report source: CIA

1992

1993



Jun 1994

Bamaca died
being wounded

Date of
Report

Aug 1

Bamaca
Army

Bamaca
prison
2
life
confirms

Jan 1994

Alpirez supervised Bamaca torture

Date of event: No date
Report source: State*

Apr 1994

Alpirez interviewed Bamaca at
San Marcos before Bamaca taken
away by general staff D-2

4 Date of event: Mar 1992
Report source: CIA

* Information attributed to Harbury

Nov 1994

Bamaca killed near town of Coatepeque by patrol

6 Date of event: 12 Mar 1992
Report source: CIA

Bamaca interrogated, held incommunicado, and killed

Date of event: Mar 1992
Report source: DAO

Bamaca captured and interrogated at Retalhuleu, moved to San Marcos, placed in body cast, interrogated for one month before MI chief ordered killed. Bamaca loaded alive onto D-2 helicopter.

7 Date of event: Mar 1992
Report source: DAO

Bamaca turned over to G-2 in San Marcos. Held in San Marcos and Rancho Santa Ana Berlin [REDACTED]
Not tortured or wounded, turned over to D-2.

8 Date of event: 12 Mar 1992
Report source: CIA

COPREDEH has witnesses to testify Bamaca committed suicide before being apprehended

Date of event: No date
Report source: CIA

Bamaca may be buried in Coatepeque

9 Date of event: No date
Report source: State

[REDACTED] URNG passed info to Harbury that Bamaca was detained and tortured by Guatemalan army—[REDACTED]

[REDACTED] all info fabricated
Date of event: No date
Report source: CIA

Nov 1994 (Continued)

Bamaca died as a result of wounds after Mar 1992 fight

Date of event: Mar 1992
Report source: DAO

Bamaca died shortly after capture of wounds received in combat and buried in San Marcos near firefight sight

10 Date of event: Mar 1992
Report source: CIA

Bamaca captured unharmed and may have been alive 4 to 5 weeks after capture

Date of event: 12 Mar 1992
Report source: CIA

Bamaca taken alive, interrogated by Alpirez at MZ-18, now dead

11 Date of event: Mar 1992
Report source: CIA

Dec 1994

Bamaca captured during firefight at MZ-18 and then taken to Rancho Santa Ana Berlin where he was held for one month, interrogated, and moved to Guatemala City. Bamaca is dead.

12 Date of event: May 1992
Report source: DAO

Alpirez worked with Bamaca after capture. Bamaca not killed in San Marcos

13 Date of event: Mar 1992
Report source: CIA

Jan 1995

Alpirez killed B.

Date of event:
Report source:

y after
n firefight
ent: No date
rce: CIA

illed in firefight with
ps
e of event: Mar 1992
ort source: CIA

: 1994

maca died of wounds soon
er firefight [REDACTED]

► Date of event: Mar 1992
Report source: CIA

maca is dead

Date of event: No date
Report source: CIA

Jan 1995

Alpirez killed Bamaca

Date of event: No date
Report source: CIA

Feb 1995

Bamaca moved by G-2 from Rancho Santa Ana Berlin, taken by D-2 to Guatemala City

◆14 Date of event: 1992
Report source: State

Mar 1995

Bamaca interrogated at MZ-18 by G-2 and G-3, tried to escape

◆15 Date of event: 1992
Report source: DAO

Bamaca captured, slightly wounded at Nuevo San Carlos, taken to infirmary at Southern Air Base, then removed via truck by G-2, G-3, and D-2 personnel

◆16 Date of event: March 12, 1992
Report source: DAO

Bamaca not taken to MZ-18 at San Marcos until end of March, held in San Marcos until end of April

◆17 Date of event: Mar 1992
Report source: DAO

Journalists shown two bodies in afternoon at Nuevo San Carlos and told one of two dead was Bamaca

◆18 Date of event: March 12, 1992
Report source: DAO

Bamaca visited [REDACTED]
at San Marcos

◆19 Date of event: Mar 1992
Report source: CIA

Bamaca is dead, remains are in place "impossible" to recover

Date of event: No date
Report source: DAO

Apr 1995

Bamaca died in [REDACTED]
Santiaguito, killed

◆20 Date of event: [REDACTED]
Report source: [REDACTED]

Bamaca buried in [REDACTED]

◆21 Date of event: [REDACTED]
Report source: [REDACTED]

Bamaca turned over to [REDACTED]
Date of event: [REDACTED]
Report source: [REDACTED]

1995

Rej

Rep

15 on slopes of Volcan
D-2 officer on patrol

o date
AO

Marcos Department

o date
1A

D-2 after capture

o date
1A

May 1995

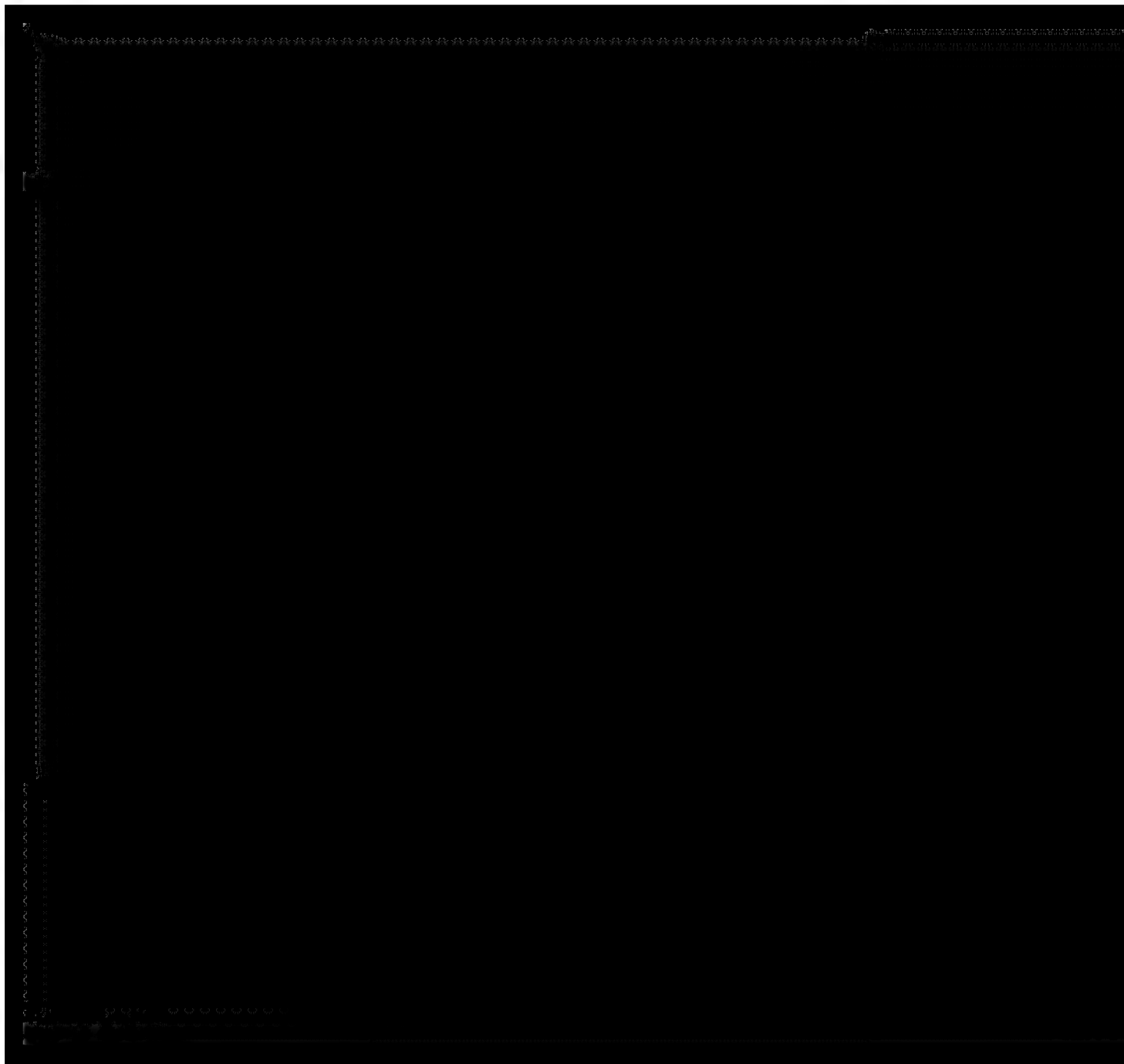
Alpirez not involved in Bamaca's death, Bamaca
turned over to D-2 in Guatemala City after capture



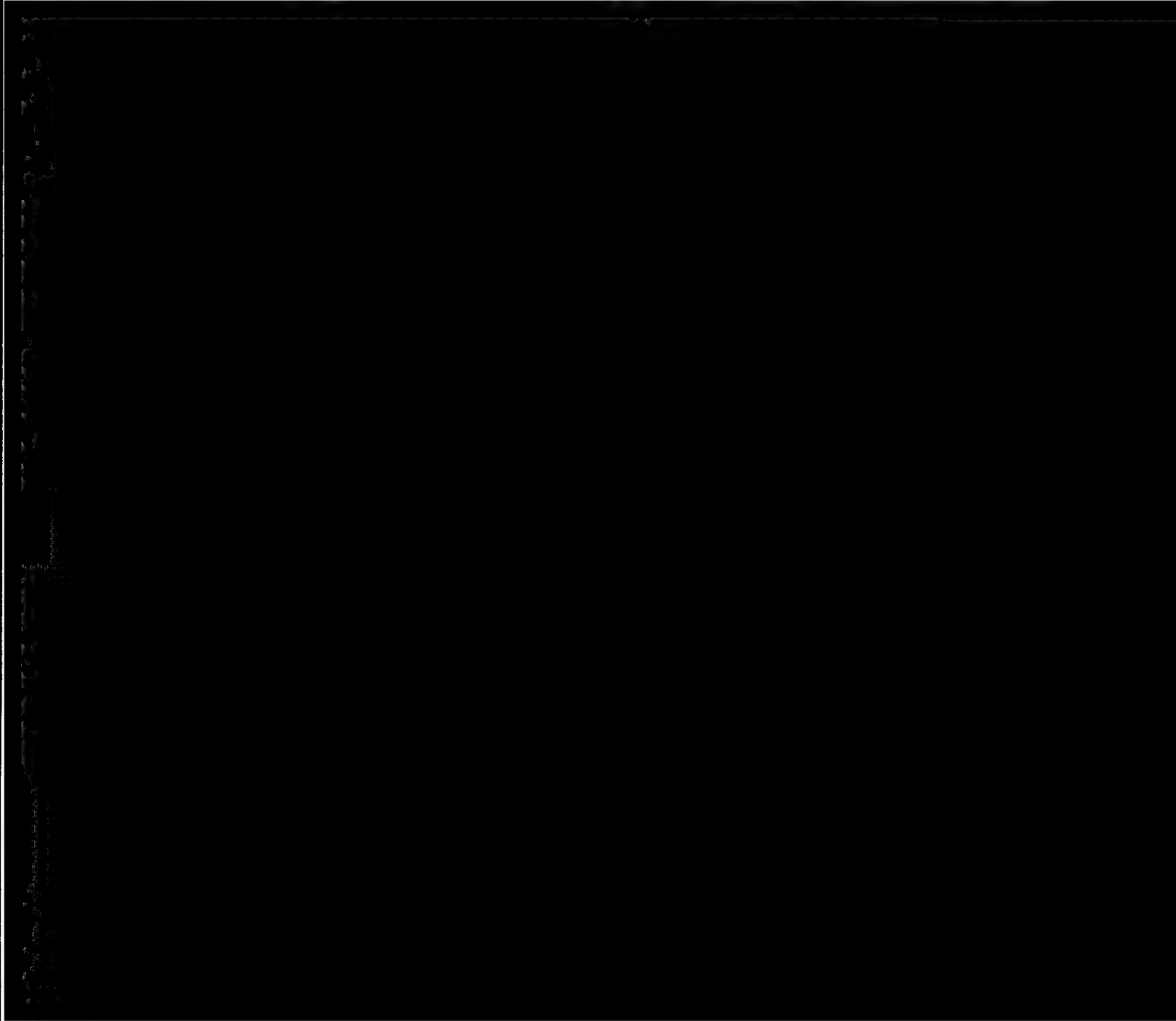
Date of event: No date
Report source: CIA

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upants of Senior Guatemalan Positions

1987	1988	1989	1990	1991	1992	1993	1994	1995
------	------	------	------	------	------	------	------	------

President

Vinicio CEREZO Arevalo

Jorge SERRANO Elias

Ramiro DE LEON Campio

ler of Defense

Hector Alejandro GRAMALJO Morales

Juan Leonel BOLANOS

Jose Domingo GARCIA Samayoa

Mario Rene ENRIQUEZ Morales

Luis MENDOZA Garcia

-2 Army Head

Edgar GODOY Gaitan

Luis Francisco ORTEGA Menaldo

Cesar CABRERA Mejia

Otto PEREZ Molina

Jose Manuel RIVAS Rios

Marco Antonio GONZALEZ Taracena

Mario MERIDA Gonzalez

Head of

Julio Roberto ALPIREZ

Juan VALENCIA Osorio

Morris Eugenio DE LEON Gil

Edgar Ricardo BUSTAMANTE Figueroa

Jose Maria ARGUETA

r for Analysis
("Archivos")
and predecessor
organizations

The Department of Presidential Security -- Presidential Staff Center for Analysis -- In transition to civilian intelligence service

WHAT DO CIA PERSONNEL RECALL REGARDING REPORTING ON BAMACA?

378. General. Most of the Agency personnel who were in the relevant Headquarters or Station reporting chain during the period from March 1992 to May 1993 have no recollection of any reporting specific to Bamaca or "Everardo." For example, then-Associate Deputy Director for Operations (ADDO) Hugh Price says he has no recollection of the Bamaca matter prior to 1994, outside of the fact that Bamaca had been captured by the Guatemalan military. Price adds that he cannot imagine that the Bamaca incident would have stimulated any interest at the time, or that the Station would have been involved in a "full court press" to collect information on this type of internal Guatemalan matter.

379. Similarly, [REDACTED] the Chief of LA Division from June 1989 until December 1992, does not recall either Bamaca or Everardo being mentioned to him, but vaguely recalls being aware in 1992 of a Guatemalan guerrilla who was allegedly killed. [REDACTED] notes that, had the Division or the Station known that Bamaca had been tortured or killed while in military custody, Bamaca would have been high on the Station's collection list [REDACTED]

[REDACTED] Alternatively, [REDACTED] adds that, had Bamaca been a more high level officer in the insurgency movement, perhaps there would have been more interest by policymakers which in turn would have generated more collection by the Station.

380. [REDACTED] Deputy Chief of LA Division from March 1993 to April 1994, was not aware of any linkage between Bamaca and DeVine during his LA Division assignment and had no direct knowledge of reporting concerning Bamaca or DeVine prior to that assignment. [REDACTED]

[REDACTED] During his LA Division tenure, [REDACTED] does not recall any specific tasking about Bamaca nor was aware of any distortions in reporting.

381. Other senior LA managers offer similar recollections. The Chief [REDACTED] from July 1991 to March 1993, [REDACTED]

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says that he did not recall any reporting concerning Bamaca that may have occurred during his tenure as significant and that he was not aware of any information regarding Bamaca prior to his interim assignment [REDACTED]. Likewise, the former Chief [REDACTED] from July 1991 to August 1992 [REDACTED] states the name Bamaca or Everardo did not mean anything to him, and the March 18, 1992 intelligence report never came to his attention at that time. [REDACTED] adds that the name Bamaca was not familiar and reporting on [REDACTED] was fairly common at the time, perhaps monthly. He also notes that at no time did he make any linkage between Bamaca and Alpirez.

382. [REDACTED] senior LA Division manager in the [REDACTED] from March to November 1993, also has no recollection of Bamaca. According to [REDACTED] the only [REDACTED] request that remotely related to Bamaca came in May 1993 when [REDACTED] asked the Station to report on clandestine prisons, not Bamaca. In addition, the Headquarters [REDACTED] desk officer at the time vaguely remembers having heard about Bamaca, but as just another guerrilla, and the Headquarters reports officer [REDACTED] says she does not recall anything about Bamaca. She opined that, if he had come up [REDACTED] he would have been considered as just another guerrilla.

383. Former DCOS [REDACTED] cannot recall ever hearing the names of Bamaca or Everardo during his tour in Guatemala from [REDACTED]. The Station's reports officer from [REDACTED] says she does not recall when she first learned of Bamaca, but her recollection is that he was just another insurgent captured by the Guatemalans. She observes also that the March 18, 1992 reporting [REDACTED] indicated Bamaca was either captured or killed on the battlefield and did not raise human rights issues that would have been of concern to the Station. She also notes that this information concerning Bamaca must have been shared with the Ambassador or the DCM [REDACTED].

[REDACTED]

[REDACTED]

384. Finally, [REDACTED] says he recalls no [REDACTED] reporting regarding military or political torture, murder, or human rights violations, although he has seen some in regard to [REDACTED]. He also notes that he never heard of Bamaca until Harbury came to Guatemala. He does recall [REDACTED] reporting regarding [REDACTED] the ramifications, politics, and fallout of the deaths of Bamaca and DeVine. [REDACTED] knows of no [REDACTED] reporting that indicates the Agency knew of the circumstances of Bamaca's murder.

385. March [REDACTED] 1992 Intelligence Report. [REDACTED] remembers the report that Everardo had been captured, not because of the details pertaining to Everardo, but because Soviet AK-47s provided by Cuba were being used by the insurgents. Everardo's capture was not an "out of the ordinary" event, and [REDACTED]. The indication that Everardo was cooperating made sense [REDACTED].

386. [REDACTED] Station sources would have been tasked had there been any indication of abuse of Bamaca's human rights. However, the March [REDACTED] 1992 report provided no reason to believe anything untoward was happening to Everardo. [REDACTED]

387. Then-COS [REDACTED] also recalls [REDACTED] March [REDACTED] 1992 report regarding the capture of Everardo and believes he may have spoken with Ambassador Stroock about it since Everardo was not immediately tortured and killed by the Guatemalans—a fact [REDACTED] says he would have viewed as a human rights "step forward." When he first became aware of Bamaca in 1992 [REDACTED]

recalls that he was viewed as just another captured guerrilla, although the fact that he was a guerrilla leader made the report significant enough to generate some interest. In addition to the insurgency being of general interest, [REDACTED] points out that the Station had some specific concerns dealing with guerrilla activity [REDACTED]

388. [REDACTED] was the Headquarters [REDACTED] Chief in March 1992. He recalls [REDACTED] reporting, but only because of the Cuban arms connection, not Everardo. Given that there was no mention of any abuse of Everardo, [REDACTED] indicates that the reporting would not have generated special attention at the time. Absent any specific mention of human rights abuses, follow-up responsibility on the Everardo matter would have passed to the Embassy's Human Rights Officer who dealt with Guatemalans who were subjected to human rights abuse.

389. April 1, 1992 Station Report. [REDACTED] that "Comandante Everardo" had been killed in combat does not recall the April 1, 1992 report [REDACTED]. He emphasizes that reports of specific guerrilla incidents, such as [REDACTED] reporting on Everardo, occurred with some frequency, [REDACTED]

390. February 1993 Embassy Telegram. [REDACTED] and says his first recollection of Bamaca came as a result of an article that appeared in the Guatemalan press, circa December 1992 or January 1993. [REDACTED] the article reported that two former guerrillas had seen Bamaca alive and chained to a cot when they were being held prisoner by the D-2. [REDACTED] impression at the time was that Bamaca was also being interrogated. The same article reported allegations of human rights abuses by various Guatemalan military officers, but [REDACTED]

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that those allegations were mentioned in a generic context and did not link specific officers to abuse of Bamaca. [REDACTED]

[REDACTED] does not recall whether Alpirez was mentioned in the article, but thought the article was nothing more than propaganda. [REDACTED] adds that guerrillas were publishing monthly newsletters at the time citing thousands of allegations against the Guatemalan Government. Further, almost everyone in Guatemala claimed that the D-2 was involved in any kidnapping or death that occurred. [REDACTED] there was a lot of disinformation available regarding human rights abuses.

391. [REDACTED] does not recall whether he saw [REDACTED] Embassy reporting on the claims of the former guerrillas, also known as "Willy" (Recinos) and "Carlos" (Cabrera). He does remember being aware of the guerrillas' claims and recalls subsequent discussions of them [REDACTED]

[REDACTED] Any discussions of Bamaca usually were centered around Harbury's hunger strikes. [REDACTED]

392. [REDACTED] recalls that he thought the statements of "Willy" and "Carlos" were false. [REDACTED] thought they had probably been paid to go to Geneva since they otherwise could not have afforded to do so. He first knew of the former guerrillas "when it hit the press," and does not recall any mention of Alpirez in the context of their statements. [REDACTED] recalls that Bamaca was one of the first issues Ambassador McAfee dealt with when Harbury came to the Embassy circa March 1993. [REDACTED] adds that, in other than U.S. citizen cases, the Embassy would react to information

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indicating torture, human rights violations, etc., but not to reports that an insurgent had been killed or captured.

393.



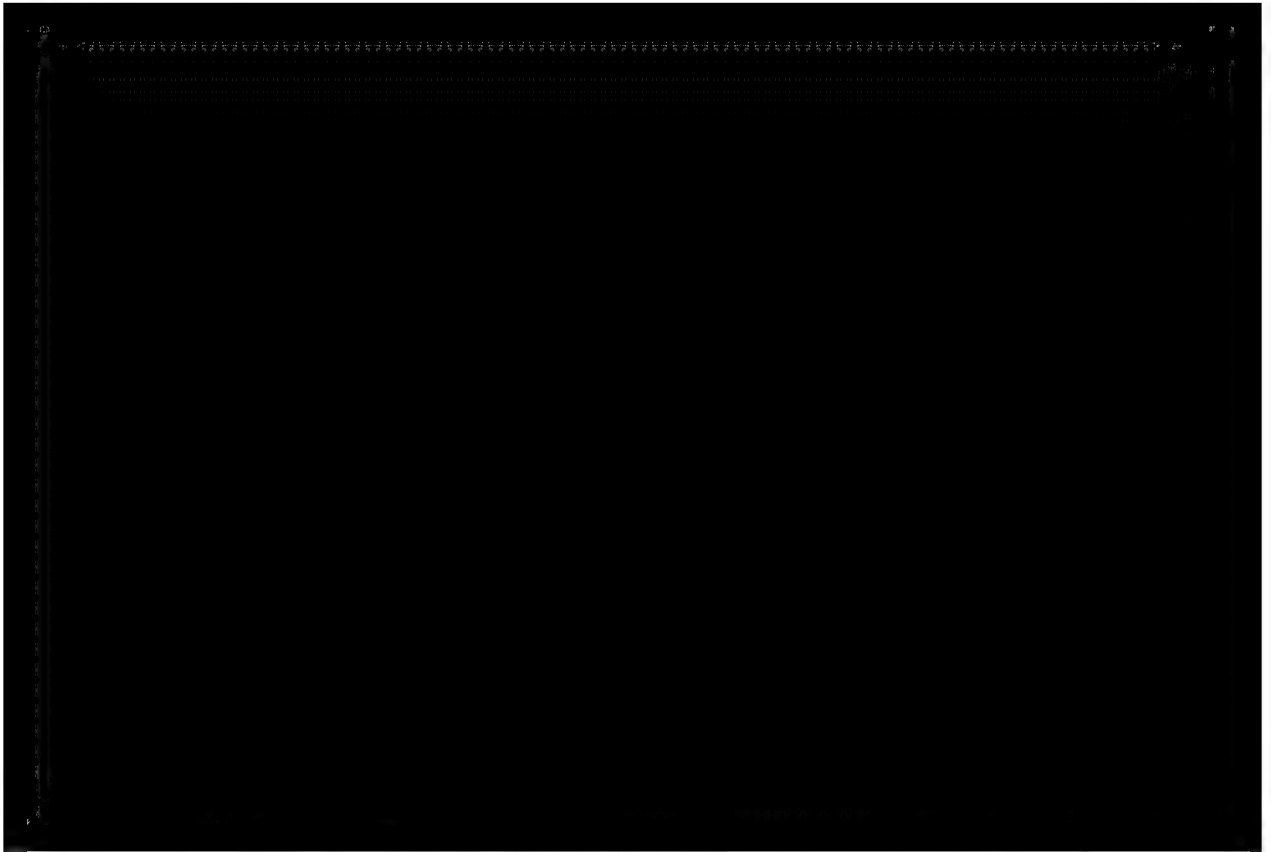
394.



395.



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396.



397. [REDACTED]

398. January 1994 Embassy Telegram. [REDACTED]

[REDACTED] the Embassy reporting of the Ambassador's January 12 meeting with Harbury, during which Harbury alleged that Alpirez and another Army officer had supervised Bamaca's torture, although all acknowledge that such Embassy telegrams were made available to the Station. [REDACTED] that neither Bamaca's fate nor Harbury's efforts were significant issues at the time. [REDACTED] speculates that, had he seen the Embassy report, he would not have considered it significant as almost everyone in the D-2 had been accused of human rights violations. [REDACTED] does not consider Harbury a credible source given that he had learned from conversations [REDACTED] that she supported insurgent guerrilla movements in Guatemala and was an URNG sympathizer. [REDACTED] offers that the Bamaca case did not have the same "resonance" in January 1994 as it does now, and he would not have recognized the significance of the information had he seen the Embassy report at the time.

399. [REDACTED]

[REDACTED]

400.

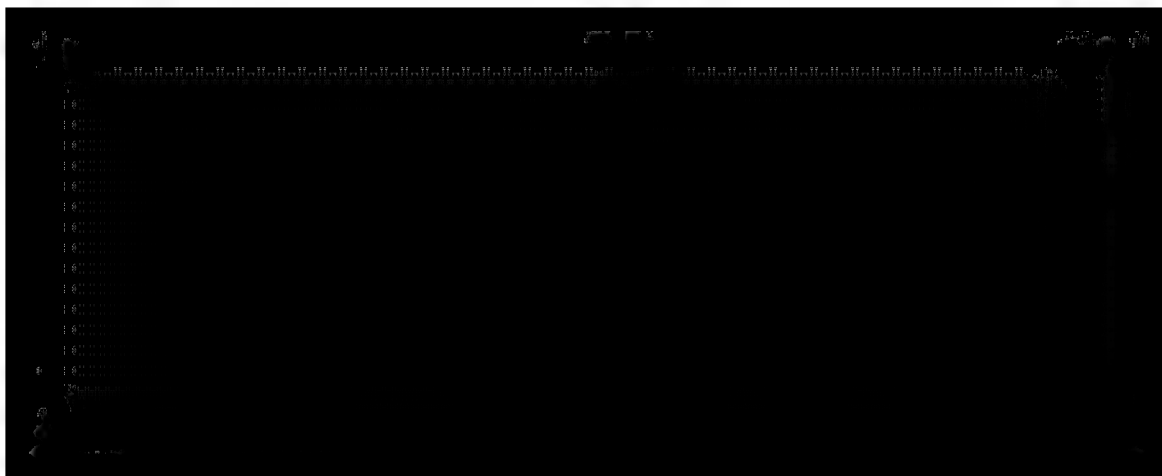
[REDACTED]

401.

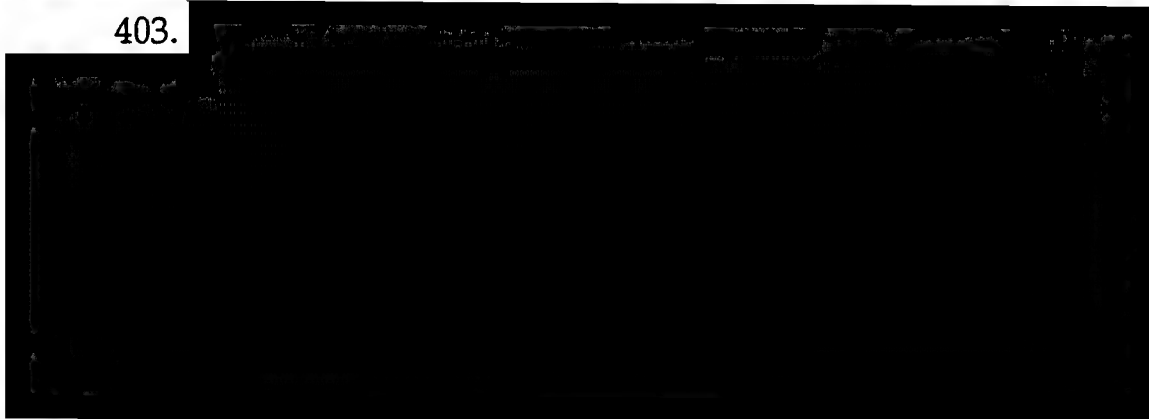
[REDACTED]

402.

[REDACTED]



403.



404.



WHAT INFORMATION DID CIA HAVE LINKING ALPIREZ TO BAMACA?

405. The Agency received four intelligence reports, one Embassy report of Harbury's views and a sworn statement by a URNG guerrilla, Santiago Cabrera Lopez, prior to the end of January 1995 that linked Alpirez to Bamaca. In the first report, which was an Embassy telegram dated January 21, 1994, Ambassador McAfee reported that Harbury told her that witnesses had identified Alpirez and Major Sosa as having supervised the torture of Bamaca. Harbury, according to McAfee, stated that the two military officers were listed as military graduates from the School of the Americas. Harbury also stated that she was contemplating filing criminal charges against them in Guatemalan courts.

406. The second report was a report [REDACTED] that Alpirez [REDACTED] had personally interviewed Bamaca after his capture until he was taken away by the D-2. Alpirez [REDACTED] was assigned to the San Marcos military base at the time of Bamaca's capture and interviewed him because of Bamaca's high rank in ORPA. This report was disseminated [REDACTED] on May 2, 1994.

407. The third document, sworn testimony by Santiago Cabrera Lopez, was received by DI analyst [REDACTED] on November 1, 1994. Cabrera's testimony was given in the law offices of Jose Pertierra, in Washington D.C. on October 7, 1994. According to Cabrera, Alpirez was at the military base where Bamaca was being held and was present at Bamaca's interrogation. Alpirez reportedly told Cabrera not to tell anyone that he had seen Bamaca there.

408. Another intelligence report was based upon information [REDACTED] by a [REDACTED] Guatemalan [REDACTED] that Alpirez was in charge of the interrogation of Bamaca.

[REDACTED] This report was disseminated
on December 2, 1994. [REDACTED]

409. On December 12, 1994, the Station reported that [REDACTED] had been told [REDACTED] that Major Raul Oliva Germeno, Alpirez, and Colonel Leonel Godoy all worked with Bamaca after his capture in San Marcos. This report was not disseminated outside the Agency.

410. The final relevant report indicates that [REDACTED] learned from a [REDACTED] Guatemalan [REDACTED] that he had been told by [REDACTED] that it was known in the military ranks that Alpirez killed Bamaca. [REDACTED] reported that he had been told that senior officers had decided not to do anything with the information [REDACTED] disseminated [REDACTED] on January 25, 1995.

*DID THE CIA MEET ITS RESPONSIBILITY FOR COLLECTION OF
INTELLIGENCE PERTAINING TO THE BAMACA MATTER?*

411. After his capture in March 1992 ended his military significance, information pertaining to the Bamaca case would have been collected by CIA because of its relationship to human rights policies of the Guatemalan Government. There is no statute, executive order or Agency regulation that requires the Agency to collect and report on human rights violations. However, [REDACTED]

[REDACTED] Headquarters guidance [REDACTED] emphasized the importance of collection and reporting of information concerning human rights violations.

412. Whether CIA met its responsibility to collect information pertaining to the Bamaca case can best be assessed in the context of the actual reporting by the Agency's Guatemala City Station and the

recollections of Agency personnel who would have been involved in the collection of such intelligence.

413. Collection of intelligence on Bamaca began as early as 1983 with reports of insurgent activities by a Commander Everardo. In March 1992 information was received [REDACTED]

[REDACTED] regarding a firefight and the possible death or capture of an insurgent. Initial reports did not reveal any human rights violations—detention, captivity, torture, or interrogation. Therefore, Bamaca was viewed as nothing more than an insurgent who had been killed or captured in action against Guatemalan Government forces. Station and Headquarters personnel recall no questions being asked at this time by Headquarters or the Embassy with regard to Bamaca, and there was no particular tasking of Station sources for information relating to him.

414. Beginning with a [REDACTED] report, the first indications of possible human rights violations relative to Bamaca emerged. [REDACTED] the Station received information that [REDACTED] confirmed the testimony of two URNG members that they had seen Bamaca alive in a clandestine prison. Then, [REDACTED] the Station received a report that Alpirez had interviewed Bamaca after his capture. [REDACTED] the Station reported that [REDACTED] officers had been sent to all Military Zones for the purpose of destroying reports that could implicate the Army in human rights violations. Also, [REDACTED], the Station learned that the Guatemalan Minister of Defense had given verbal orders for the removal and purging of intelligence documents regarding clandestine cemeteries.

415. Station personnel recall being keenly aware of the importance of collecting and reporting on human rights issues.

[REDACTED] Station officers were regularly reminded to task assets for human rights reporting. In particular, [REDACTED]

[REDACTED] to task Station assets to report on Bamaca. He further stated that human rights was of utmost importance to the

Station, [REDACTED]

416. In August 1994, the Station was told that the testimony of two URNG guerrillas who reported they had seen Bamaca alive was a fabrication. [REDACTED]

[REDACTED] The Station responded that it knew the Bamaca issue was of extremely high interest to the U.S. policymaking community and was compelled by its human rights [REDACTED] mandate to report on such things.

417. [REDACTED]

418. [REDACTED]

[REDACTED] that Bamaca was a priority requirement and that any and all information on the Bamaca case must be reported to Headquarters. [REDACTED]

419. [REDACTED]

[REDACTED] These reports provided insight into [REDACTED]

[REDACTED] Bamaca's alleged captivity, interrogation, torture, and death; the military's belief that Bamaca was responsible for kidnappings and the murder of a U.S. citizen and numerous Guatemalans; a surprise inspection of military facilities that provided no evidence of clandestine prisons or Bamaca [REDACTED]

[REDACTED] and information that the URNG continued to tell Bamaca's spouse that Bamaca was alive when there was no real evidence to support that. The most significant report came in January 1995 [REDACTED] that a Guatemalan [REDACTED] had been told [REDACTED] that Alpirez had killed Bamaca.

420. Thus, Headquarters guidance [REDACTED] and the [REDACTED], all emphasized the collection and reporting of information on human rights violations. It is apparent that Agency personnel in Guatemala and at Headquarters were aware of the importance of collecting and reporting on human rights issues and that they honored this collection requirement. It is also apparent that when tasking was issued to the Station [REDACTED] [REDACTED] producing a significant number of reports.

IS THERE ANY EVIDENCE THAT CIA EMPLOYEES OR ASSETS WERE DIRECTLY OR INDIRECTLY INVOLVED IN BAMACA'S FATE?

421. No CIA employees were ever alleged to have been involved as participants in the fate of Bamaca. No information was developed during the course of this investigation that remotely suggested that any CIA employee was involved in Bamaca's fate.

422. [REDACTED]

[REDACTED]

423. From March 1992 to May 18, 1995, [REDACTED] assets as well as [REDACTED] provided information pertaining to Bamaca's fate. [REDACTED]

[REDACTED] Further, there is a substantial body of contradictory reporting, [REDACTED]

[REDACTED] In addition to the differing versions of Bamaca's fate, some information reported by [REDACTED] is questionable when considering the chain of acquisition and potential biases of the [REDACTED]

424. The first information received by the Agency that cited Alpirez's involvement in Bamaca's fate was provided by Jennifer Harbury to Ambassador McAfee on January 12, 1994. During that conversation, Harbury named Alpirez as one of two military officers who supervised the torture of Bamaca after his capture. Harbury later repeated this assertion, which she attributed to ex-guerrilla Cabrera, during an April 1995 SSCI Hearing when she identified Alpirez as "the man bending over the torture table" of Bamaca. Harbury added that those officers involved in Bamaca's torture had a doctor standing by to make sure "they didn't accidentally" kill Bamaca. However, based on his October 7, 1994 sworn statement, the only account of his declarations available to the Agency, Cabrera did not say what Harbury reports. Rather, Cabrera said that Alpirez ordered another officer to move Bamaca to a "secret room" in the military infirmary and Alpirez was present in the room when Bamaca, his body swollen and arm and leg bandaged, was being interrogated. Cabrera implicated other Guatemalan military personnel as well in the interrogation and incarceration of Bamaca, but he did not claim to have witnessed either the torture or the killing of Bamaca by Alpirez.

425. In March 1995, Alpirez denied any knowledge of Bamaca's capture, interrogation, or movement among various military units. However, [REDACTED] reported [REDACTED] that Alpirez [REDACTED] had personally interviewed Bamaca after his capture and that D-2 officers took Bamaca away shortly thereafter. [REDACTED] reported that [REDACTED] had named Alpirez as one of Bamaca's interrogators. [REDACTED] reported [REDACTED] that he had [REDACTED] been told [REDACTED] that Alpirez was in charge of Bamaca's interrogation. However, none [REDACTED] provided further details of Bamaca's interview or interrogation by Alpirez or reported that Alpirez tortured or killed Bamaca.

426. In January 1995, the Agency received its first and only report implicating Alpirez in Bamaca's killing. [REDACTED] reported having been told that "it was known within the senior ranks of the Army that Alpirez was the individual who killed Bamaca." That information was related over dinner by a [REDACTED] to a Guatemalan [REDACTED] who in turn informed [REDACTED]

[REDACTED] Further, the Guatemalan [REDACTED] who named Alpirez as Bamaca's killer had made no mention of Alpirez when he told [REDACTED] earlier, [REDACTED] that Bamaca was alive in a clandestine prison.

427. Except as noted above, none of the other available Agency and non-Agency reporting on Bamaca's fate mentions Alpirez, and one April 1995 [REDACTED] report names another Guatemalan military officer as Bamaca's killer. Further, Alpirez's claim that D-2 officers took Bamaca away has been corroborated [REDACTED]

~~SECRET~~

[redacted] said in November 1994 that Bamaca was loaded alive on a D-2 helicopter, [redacted] said in December 1994 that Bamaca was moved to Guatemala City after interrogation. In May 1995, [redacted] also said he had learned, [redacted] that Bamaca had been taken away to Guatemala City [redacted]

428. Moreover, the reporting regarding Bamaca's fate indicates that a possible disinformation effort has been conducted [redacted] For example, the initial reporting [redacted] within two weeks of the March 1992 firefight, like much of the reporting that followed, is contradictory. [redacted] said Bamaca was alive, well and cooperating with the Guatemalan military while [redacted] reported that Bamaca had been killed in combat. [redacted]

[redacted]

429. [redacted] offered no information [redacted] until [redacted] November 1994. [redacted] said that Bamaca was captured unharmed around March 1992, might have been alive four to five weeks after his capture, [redacted]

[redacted]

Bamaca's high level position in ORPA was not discovered until long after his death. [redacted]

[redacted]

430. [redacted]

[redacted]

431. [REDACTED]

WAS INFORMATION REGARDING BAMACA'S FATE PROPERLY SHARED WITH THE CONGRESSIONAL OVERSIGHT COMMITTEES? DID THE CIA MEET ITS RESPONSIBILITY FOR CONGRESSIONAL NOTIFICATION IN THE BAMACA MATTER?

432. Notification. The first recorded notification to congressional representatives concerning Bamaca appears to have occurred on November 4, 1994 when SSCI staff members [REDACTED] attended a briefing at CIA Headquarters. They had requested the briefing in anticipation of a television appearance by Harbury. A representative from the DO's LA [REDACTED] former COS [REDACTED] and DI [REDACTED]

[REDACTED]

analyst [REDACTED] participated on behalf of the Agency. [REDACTED] was the primary briefer and states that he informed [REDACTED] that sufficient information was not available to determine whether Bamaca was alive, [REDACTED]
[REDACTED]
[REDACTED]

433. On November 7, 1994, CIA provided a briefing regarding the Bamaca case to members of the HPSCI staff. The Acting Chief of LA Division, [REDACTED] former COS [REDACTED] two other DO officers, and [REDACTED] attended. [REDACTED] again the major presenter for CIA, recalls that he shared the same conclusions with the HPSCI staff members. [REDACTED] was unaware at both briefings of the March 18, 1992 report indicating "Everardo" had been captured and was cooperating with his captors [REDACTED]
[REDACTED]

Even so, [REDACTED] says none of this information would have altered his conclusions at that time about the Bamaca case.

434. [REDACTED]
[REDACTED]

435. On November 21, 1994, CIA analysts [REDACTED] and [REDACTED] provided a staff member from the House Foreign Affairs Committee a briefing concerning Bamaca. They gave an account of what was then known about Bamaca's fate. The staff member asked to review the DO cable traffic on the case. This request was refused because such access is not given to non-Oversight Committee Staff members.

436. On November 30, 1994 a DI/ALA analyst and a DO representative briefed Representative Bill Richardson and a member of his personal staff, in preparation for their upcoming trip to Guatemala, on then-available information concerning the fate of Bamaca. Richardson informed the CIA official he planned to meet with Harbury while he was in Guatemala.

437. The next documented sharing of information with Congress regarding the Bamaca case occurred on February 3, 1995 when Acting Chief of LA Division [REDACTED] and other Agency officers met with HPSCI Members Combest and Dicks and staff members from both the HPSCI and the SSCI. The contents of the January 25, 1995 report that Alpirez had killed Bamaca and that this was known within the Guatemalan military were discussed with them, along with the fact that [REDACTED]

[REDACTED] a report was received that Alpirez had been present at the interrogation of DeVine.

438. The information regarding Alpirez's alleged role in the death of Bamaca had been [REDACTED] [REDACTED] disseminated [REDACTED] January 25, 1995. The National Security Council had been briefed on Alpirez, Bamaca and DeVine on January 26, 1995 and, when Agency officers pointed out their responsibilities for advising Congress, NSC staff members requested that the Agency delay congressional notification until the Administration could determine how to react to the information. Permission to brief the intelligence committees was given on January 31, 1995 and this was done on February 3. There have been a number of briefings on the subject since that time, including public testimony before the SSCI by the Acting DCI.

439. Responsibilities. There is no specific statutory or policy requirement that the CIA provide notification to Congress concerning intelligence that pertains to the death or fate of a non-U.S. citizen such as Bamaca, a combatant involved in an insurgency in a foreign country. [REDACTED]

1. Prüfung 2. Prüfung 3. Prüfung 4. Prüfung 5. Prüfung 6. Prüfung 7. Prüfung 8. Prüfung 9. Prüfung 10. Prüfung 11. Prüfung 12. Prüfung 13. Prüfung 14. Prüfung 15. Prüfung 16. Prüfung 17. Prüfung 18. Prüfung 19. Prüfung 20. Prüfung 21. Prüfung 22. Prüfung 23. Prüfung 24. Prüfung 25. Prüfung 26. Prüfung 27. Prüfung 28. Prüfung 29. Prüfung 30. Prüfung 31. Prüfung 32. Prüfung 33. Prüfung 34. Prüfung 35. Prüfung 36. Prüfung 37. Prüfung 38. Prüfung 39. Prüfung 40. Prüfung 41. Prüfung 42. Prüfung 43. Prüfung 44. Prüfung 45. Prüfung 46. Prüfung 47. Prüfung 48. Prüfung 49. Prüfung 50. Prüfung 51. Prüfung 52. Prüfung 53. Prüfung 54. Prüfung 55. Prüfung 56. Prüfung 57. Prüfung 58. Prüfung 59. Prüfung 60. Prüfung 61. Prüfung 62. Prüfung 63. Prüfung 64. Prüfung 65. Prüfung 66. Prüfung 67. Prüfung 68. Prüfung 69. Prüfung 70. Prüfung 71. Prüfung 72. Prüfung 73. Prüfung 74. Prüfung 75. Prüfung 76. Prüfung 77. Prüfung 78. Prüfung 79. Prüfung 80. Prüfung 81. Prüfung 82. Prüfung 83. Prüfung 84. Prüfung 85. Prüfung 86. Prüfung 87. Prüfung 88. Prüfung 89. Prüfung 90. Prüfung 91. Prüfung 92. Prüfung 93. Prüfung 94. Prüfung 95. Prüfung 96. Prüfung 97. Prüfung 98. Prüfung 99. Prüfung 100. Prüfung

[illegible]

what the Agency knew about Bamaca [REDACTED]

mentioned earlier, because DI analyst [REDACTED] had not been provided with complete details due to an error in a computer search and because former [REDACTED] did not recognize the relevance of the reports concerning Alpirez, [REDACTED] and his alleged role in the Devine and Bamaca cases.

WAS INFORMATION REGARDING BAMACA'S FATE PROPERLY SHARED WITH AMBASSADORS AND OTHER APPROPRIATE EMBASSY OFFICIALS? DID CIA MEET ITS RESPONSIBILITY FOR NOTIFICATION IN THE BAMACA MATTER?

443. Statutory requirements and applicable policy directives pertaining to relationships between Ambassadors and CIA COS's are set forth in detail in Exhibit E of Volume I. The key theme is that Ambassadors, as the President's Representatives, are to be informed of intelligence activities and information on which to base decisions concerning development of foreign policy. Guatemala City Station partially fulfilled the requirement by ensuring that intelligence reporting disseminated from Guatemala was coordinated beforehand [REDACTED]

444. [REDACTED]

445. The record indicates that Ambassador Stroock received available information on Bamaca's fate under his nom de guerre of "Comandante Everardo" when it became available to CIA. Ambassador McAfee subsequently received Station reporting on Bamaca as it became available. Additionally, she requested and was provided a specific summary of Station information concerning Bamaca in October 1994. The summary, however, failed to contain the March [REDACTED] 1992 report of Bamaca's capture that previously had been provided to Stroock, even though by that time the Station could have made the connection between Everardo and Bamaca.

446. [REDACTED]

447. March [REDACTED] 1992 Intelligence Report. Ambassador Stroock says that he recalls seeing an Agency intelligence report on "Comandante Everardo" sometime in 1992 prior to his reassignment in November 1992, but he paid no attention to it. According to Stroock, Guatemalans killed rebel commanders all the time and he also knew that the Guatemalan Government was not "very pleasant" to rebels who were captured, as he was sure that the rebels dealt likewise with Guatemalan military personnel. Stroock believes he probably read the report provided to him, but he does not recall discussing the Everardo report with then-COS [REDACTED]

448. Ambassador McAfee and DCM Keane state that [REDACTED] did not inform either of them of the March [REDACTED] 1992 intelligence report regarding Everardo's capture at the time of their arrival in Guatemala in June 1993 and August 1992, respectively. McAfee states that she is not implying that the Station intentionally did not inform her, but that the COS should have been familiar with the report. She adds that she received no briefing on either the DeVine or Bamaca matters when she visited Agency Headquarters in Washington prior to assuming her position in Guatemala.

449. DCM Keane cites the March [REDACTED] 1992 report as specific information that was withheld from him by the Station. Keane indicates that he was not informed of the report that Alpirez interviewed Bamaca by [REDACTED] when he arrived or during the succeeding year, nor by [REDACTED] successor as COS, [REDACTED]. However, Keane also says he never asked about Everardo nor would he have expected to have seen such a report when he arrived as it was not significant at the time. Keane says that his relationship with [REDACTED] was cooperative, but adds that [REDACTED] was not as open with information as Keane believes he should have been. Communication was better with [REDACTED] according to Keane, although some information also was not shared by [REDACTED]

450. [redacted] who was reassigned to Washington [redacted] after Ambassador McAfee's arrival in Guatemala, acknowledges that he did not brief her on all Station reporting during the years prior to her arrival. He states that McAfee considered herself an expert on Guatemalan affairs, and [redacted] believed she had an Embassy staff, as well as State's Bureau of Intelligence and Research, to inform her of intelligence relating to Guatemala. Further, he notes that McAfee worked on the Guatemala desk at the Department of State in Washington for several months before arriving in Guatemala and had served in Guatemala previously.

451. [redacted] belief is that McAfee, as well as Stroock, were appropriately briefed on CIA matters on a continuing and timely basis. He adds that he shared virtually everything, except sources and methods, with Ambassadors while he was COS and never purposely withheld any information from any Embassy officials.

[redacted]

[redacted]

452. After his arrival [redacted] worked with Ambassador Stroock until Ambassador McAfee's arrival in 1993 and with DCM Keane. McAfee and Keane believe that, [redacted] should have shared the March [redacted] 1992 report, which had been coordinated with Stroock and disseminated to the Embassy and INR when it was originated. [redacted] disagrees and notes that the report was minor and not unusual. [redacted]

[redacted]

[redacted] and he maintains there was never any deliberate attempt to withhold or hide information from her.

453. The March [redacted] 1992 report was cited by Ambassador McAfee in a February 17, 1995 Department of State "Roger Channel" message to the Secretary of State as an example of information she had received "only well after it was obtained." In the same message, McAfee also indicated that she had not seen the March [redacted] 1992

intelligence report until November 1994 and had been told that the report had been misfiled in Washington under "E" for "Everardo." McAfee did not specify whether she was told that the report was misfiled by the Agency or by State, INR. Agency records indicate that the report was not misfiled in Agency files. Rather, the delay in its retrieval was caused by the misspelling of "Everardo" when an electronic search of DO files was initiated for documents pertaining to Bamaca and "Everado," leaving out the second "r."

454. [REDACTED] Ambassador McAfee confirms that [REDACTED] did share the [REDACTED] report about Bamaca being alive in a clandestine jail with her. She recalls that he brought the report for her review and indicated it was for her consumption only. Although he did not specifically tell her she could not share it with the DCM, [REDACTED] secretive manner when he brought her the report was such that she assumed it was for her use only. McAfee says that neither [REDACTED] nor [REDACTED] his successor, ever explained to her that certain Agency reporting was very sensitive and could not be shared with even the DCM. She adds that she wishes in retrospect she had insisted that the DCM be shown the report.

455. DCM Keane cites the [REDACTED] report as the first--the second being a May 2, 1994 intelligence report that Alpirez had interviewed Bamaca after his capture--of two Agency reports that were either mistakenly or intentionally not shared with him. Keane says he learned of the [REDACTED] report from McAfee, and his understanding is that the information on clandestine jails was acquired in [REDACTED] when he was Charge d'Affaires. [REDACTED]

[REDACTED]

456. May 2, 1994 Intelligence Report. The initial recollections of Ambassador McAfee and DCM Keane are that neither reviewed the May 2, 1994 intelligence report, indicating that [REDACTED] (Alpirez) had interviewed Bamaca after his capture, before November 1994 and were not advised until April 1995 that Alpirez was the [REDACTED] officer named in the report. McAfee says that she does not

recall seeing the May 1994 report when she returned to Guatemala nor did Keane brief her. She also believes the Station should have briefed her on such an important report. Keane, on the other hand, cites the May 1994 report as the second--the first being the [REDACTED] report that Bamaca had been seen alive in a clandestine jail--of two Agency reports either mistakenly or intentionally not shared with him. Initially Keane says he learned of the May 1994 report in November 1994 when a Department of State officer in Washington called it to his attention.

457. [REDACTED] disagrees with the Ambassador and DCM. While he acknowledges that he did not inform Keane that Alpirez was the [REDACTED] officer named in the report, [REDACTED] recalls that he personally handcarried the report to Keane for coordination prior to its release and remembers being "struck" by Keane's lack of reaction to the report at the time. [REDACTED] adds that the Station maintained a "read folder" for McAfee's review of intelligence reporting that was issued in her absence, particularly reporting concerning human rights as the issue was high on the McAfee's agenda. The Station reports officer confirms that the Ambassador's post-vacation "read folder" included a copy of the May 2, 1994 report. A copy of that report is included in Station files and contains McAfee's initials.

458. Having reviewed the initialed copy of the May 2, 1994 report, Ambassador McAfee confirms that her initials are included on the report but reiterates that she does not remember reading the report. After reviewing the copy, Keane indicates that he can not now be sure that he had not seen the report at the time.

WHY DID THE AGENCY NOT PROVIDE INFORMATION IT COLLECTED REGARDING BAMACA'S FATE TO BAMACA'S AMERICAN WIFE?

459. There is no statute, Executive Order, or Agency regulation or policy that provides for disclosing clandestinely collected information to families of U.S. citizens or non-citizens who may have been murdered, captured, imprisoned, or are missing in a foreign country. Agency information can be indirectly conveyed to concerned family members for humanitarian reasons. Warnings and

compassionate conveying of information generally are the responsibility of the Department of State. Typically, Embassy personnel would receive such a request and would work through the Department of State in Washington and the Station to query Agency Headquarters for pertinent information. If the Agency concurred with the release, the information would be sanitized to protect sources and methods and then the information would be provided to the Department of State for release to the family members.

460. Former COS [REDACTED] confirms he did not share any CIA information with Harbury. He says this would have required permission from Headquarters, and it never entered his mind to seek such permission. Former COS [REDACTED] also never directly shared information with Harbury. Guatemalan Embassy personnel, including DCM Keane and Ambassador McAfee, as well as senior personnel from the Department of State and the President's National Security Advisor, all met at various times with Harbury and shared their evaluations of her husband's fate. Those personnel all had access to CIA reporting and that reporting presumably served as background for them and was a factor in their evaluations.

461. Another means by which private U.S. citizens, such as Harbury, may obtain unclassified Agency information is through the filing of a Freedom of Information Act (FOIA) request. Agency FOIA records indicate that Harbury has requested information from the Agency on a number of occasions. The Agency currently is processing those requests according to standard procedures.

CONCLUSIONS

462. The conclusions set forth below are repeated in the volumes relating to Alpirez, DeVine, Bamaca [REDACTED]

Agency Purposes in Guatemala

463. Agency programs in Guatemala during the period in question were conducted in furtherance of duly approved [REDACTED]

[REDACTED] that were duly authorized by the President, reviewed by the National Security Council and reviewed and funded by the Congress. [REDACTED]

Alleged Complicity in Deaths of DeVine and Bamaca

464. No evidence has been found to indicate that any CIA employee had prior knowledge of, directed, participated in, or condoned the interrogation or killing of DeVine. No evidence has been found to indicate that any CIA employee had prior knowledge of, directed, participated in, or condoned the reported interrogation, torture, or killing of Bamaca.

465. The October 1991 report alleging that Alpirez [REDACTED] was present at DeVine's interrogation was seriously flawed and should have been reviewed more thoroughly at the Station and disseminated with appropriate caveats. Neither the Station nor Headquarters made a serious effort to verify the allegations contained in the October 1991 report and Headquarters did not follow-up sufficiently on its initial efforts to have the Station do so.

466. Similarly, the January 1995 report alleging that Alpirez had killed Bamaca was also based on questionable information and should have been reviewed more thoroughly at the Station and disseminated with appropriate caveats. Neither the Station nor Headquarters made serious efforts to verify that report and Headquarters did not encourage the Station to do so.

Congressional Notification

467. The Agency should have notified the congressional intelligence oversight committees in October 1991 about the allegations that Alpirez had been present at an interrogation that resulted in the death of a U.S. citizen [REDACTED]

[REDACTED] The committees should have been briefed, especially in light of the prompt and serious actions the Agency took on the basis of that report, in reporting to DoJ [REDACTED]

[REDACTED] LA Division officers intended to provide such notification to the committees, but neither those officers nor senior Agency managers ensured that this was done.

468. In February 1995, the oversight committees were expeditiously notified of the only report alleging that Alpirez had been responsible for the death of Bamaca. While notification was laudable, it should have been made clear that there were competing versions of what happened to Bamaca, and that the January 1995 report was sketchy, third-hand hearsay, and unconfirmed. Furthermore, when it had become clear in November 1994 that there was congressional interest in Bamaca's fate, formal notification of the April 1994 report that Alpirez had interviewed Bamaca [REDACTED]

469. [REDACTED]

[REDACTED]

470. The Agency provided [REDACTED] the oversight committees and participated during various committee hearings and briefings of committee staff [REDACTED]

[REDACTED] It should have been recognized that the failure to provide this information in connection with the discussion of the DeVine case [REDACTED]

[REDACTED] would be viewed as misleading the committees. No evidence has been found to indicate that the failure to mention [REDACTED] in these reports, hearings and briefings was intended to mislead the committees. Neither has any evidence been found to indicate that the failures to notify the committees in 1994 of information indicating that Alpirez had interviewed Bamaca or [REDACTED] were intended to mislead the committees.

Ambassadorial Notification

471. The Station did not keep the Ambassadors appropriately informed in certain instances. Concerns about source protection and possible threats to Agency equities in its liaison relationships appear to have been the causes of some of these failures.

472. Ambassador Stroock was not properly notified in August 1990 [REDACTED] when the Ambassador was provided information about the military's involvement and cover-up in the DeVine killing and was preparing to present a demarche.

473. Ambassador Stroock was not properly notified in October 1991 [REDACTED] when allegations were received that Alpirez was present at the interrogation of DeVine.

474. [REDACTED]

[REDACTED]

475. Ambassador McAfee was not properly notified in 1994, even after asking in October 1994 for a complete summary of CIA intelligence relating to Bamaca, that Alpirez had reportedly interviewed Bamaca after his capture in March 1992 [REDACTED]

[REDACTED]

476.

477.

Collection and Reporting Standards

478. Information provided by Agency assets was responsive to [REDACTED] and included significant reporting on human rights issues in Guatemala, including the DeVine killing, Bamaca's fate, and the reactions of [REDACTED] Guatemalan political and military officials to U.S. policy initiatives in this regard.

479. However, in certain instances, concerns about source protection or possible threats to Agency equities in its liaison relationships appear to have been the cause of failures to report information fully and promptly. [REDACTED]

480. Station reporting regarding human rights issues included some unsubstantiated reports from possibly biased sources about

Alpirez [REDACTED] as well as the DeVine and Bamaca cases. The Station, LA Division and the DO should have made stronger efforts to validate the information and place it in the context of other reporting, analyze the biases and motivations of the sources, and ensure that consumers of the information were advised that there were significant questions about its validity and hearsay nature. It also appears that LA Division and the Station gave insufficient attention and consideration to the possibility that Station asset reporting on Bamaca's fate was based upon deliberately false information [REDACTED]

481. The Station and LA Division failed to meet Agency standards for [REDACTED] with particular reference to the assets who provided key information relating to Alpirez, DeVine, Bamaca, [REDACTED]

[REDACTED]

482. At the time the CIA first encountered Alpirez in a liaison capacity in 1987 [REDACTED] Agency records apparently revealed no derogatory information or indication that he had engaged in human rights abuses [REDACTED]

[REDACTED]

483. The August 1990 information [REDACTED] formed a substantial part of what the U.S. Government knew about official Guatemalan involvement in DeVine's killing. It also served as part of the basis for at least one U.S. Government demarche to the Guatemalans and the partial suspension of U.S. military assistance to Guatemala.

484. [REDACTED]

[REDACTED]

[REDACTED]

485.

[REDACTED]

486.

[REDACTED]

487.

[REDACTED]

488.

[REDACTED]

489.

[REDACTED]

Referral to Department of Justice

490. LA Division and OGC acted prudently in ensuring a prompt referral of the October 1991 allegations about Alpirez to DoJ. However, OGC should have probed more thoroughly to determine through a preliminary inquiry whether or not there [was] any basis to the allegations. In addition, having made the referral, OGC did not properly record or monitor the matter, or adequately respond to DoJ requests for further information.

Analytical Responsibilities

491. No factual basis has been identified for the DI [REDACTED] conclusion in an analysis presented to the NSC in January 1995 that Alpirez was at least "the intellectual author" of Bamaca's death. That analysis was also flawed because [REDACTED]
[REDACTED]
[REDACTED]

492. The DI [REDACTED] with primary responsibility was not made aware by DO officers of the April 1994 report that Alpirez [REDACTED] had interviewed Bamaca or that Alpirez [REDACTED] was reportedly present at the interrogation of Devine. As a consequence, he was not able to include that information in briefings to senior State officials and HPSCI and SSCI staff members in November 1994 or in the [REDACTED] analytic reports that were disseminated to the Ambassador and NSC and State customers prior to January 1995.

493. Six reports have been found that allege that Alpirez had knowledge of or was involved in narcotics trafficking or other potentially unlawful activities. None of these reports establishes any connection between narcotics trafficking and the DeVine murder, nor does any of them indicate that the murder had as its purpose coercion or intimidation of, or retaliation against, a government or civil population. Neither has other evidence been found to indicate that Agency employees were aware of such a connection or purpose.

Thus, there is no support for the contention that Agency employees engaged in an obstruction of justice in connection with the November 1991 referral to the Department of Justice.

Dispersal or Destruction of Records

494. No evidence has been found to indicate that any Agency personnel dispersed or destroyed records to prevent them from being reviewed by investigators. It appears that this allegation may have had its source in an Agency effort to provide copies of selected documents to former DCIs in order that they might be able to respond knowledgeably to public inquiries relating to Guatemala.

DO Records System

495. Weaknesses in the DO records system led to a failure to retrieve relevant allegations regarding human rights abuses [REDACTED]

[REDACTED] These weaknesses continue to cause problems for the Agency.

[REDACTED]
A. R. Cinquegrana

RECOMMENDATIONS

1. **General.** The following areas have been identified in the course of this investigation as requiring the attention of Agency management and are addressed in this section:

- Congressional notification;
- Ambassadorial notification;
- Selection of Chiefs of Station;
- [REDACTED]
- Collection and reporting responsibilities;
- Human rights reporting;
- [REDACTED]
- Analytical functions; and
- DO records system.

2. The paragraphs that follow constitute the IG's best judgment as to what should be done in each area, but we recognize that a management review of the issues involved may develop different and better approaches to improving current practices and policies in each area. The most important message we are conveying is that the identified areas require management's attention and remedial action. Thus, these recommendations should be viewed as a framework for further deliberation and development of responsive reactions in each area, not as a prescriptive list of actions that should be taken as stated. However, we strongly believe that the Overview Volume, with Conclusions and all Recommendations except the individual accountability section, should be made available to Agency employees in order that they may be fully informed and apply the lessons of this investigation to their own situations.

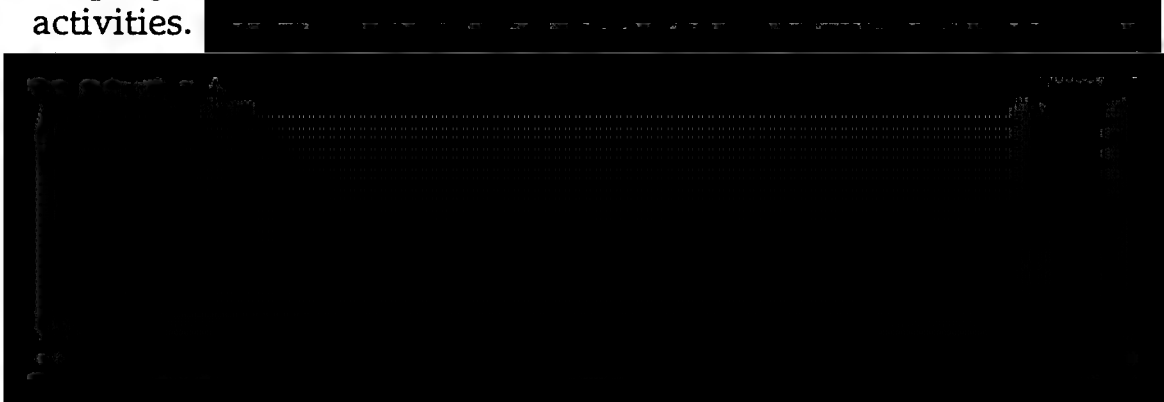
3. **Congressional Notification.** This investigation has shown that in the DO there is a predisposition against sharing information with Congress despite repeated statements by the Agency's leadership that Congress needs information to perform its oversight role and has the right to such information. The DDO should work to replace this bias with a predisposition that favors sharing information.

4. The DCI should reaffirm that the Agency has an obligation to ensure that the Congress is kept fully and currently informed about Agency activities. The Director should make it clear that each Deputy Director and Head of Independent Office is responsible for determining, on a continuing basis, which matters within their areas of responsibility should be reported to the intelligence oversight committees of the Congress. Clear procedures should be established to ensure that such matters are reported.

5. Each Deputy Director and Head of Independent Office, in conjunction with the General Counsel and the Director of Congressional Affairs, should recommend criteria for the DCI's approval that are applicable to their areas of responsibility to govern which matters will be reported to the intelligence oversight committees.

6. Each Deputy Director and Head of Independent Office should require their managers to review on a continuing basis which matters within their areas of responsibility meet the established criteria for reporting to the intelligence oversight committees. In addition, each Deputy Director and Head of Independent Office should conduct a formal quarterly review of their activities to determine which matters, within or in addition to the established criteria, should be reported to the intelligence oversight committees. As part of this process all employees should be given the opportunity to identify matters that should be considered for such reporting.

7. **Ambassadorial Notification.** The DCI should issue new guidance concerning Chief of Station (COS) responsibilities for keeping Ambassadors informed about Station programs and activities.



[REDACTED]

8. Selection of Chiefs of Station. The DDO should develop standards, subject to DCI concurrence, for the development, selection and retention of Chiefs of Station to ensure that they are the most highly qualified professionals available. [REDACTED]

[REDACTED]

[REDACTED] Chiefs of Station should not be selected for reasons other than professional competence, [REDACTED]

[REDACTED]

9. [REDACTED]

[REDACTED]

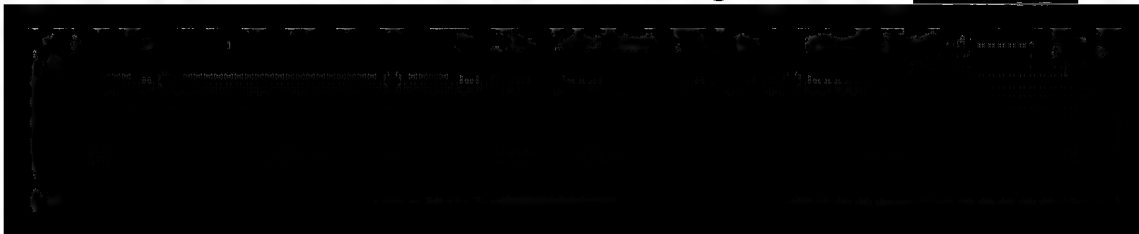
10. [REDACTED]

[REDACTED]

11. **Collection and Reporting Responsibilities.** Both Headquarters and Stations are responsible for ensuring that the highest possible standards are maintained in CIA's collection and reporting efforts. [REDACTED]



12. **Human Rights Reporting.** The DDO should develop procedures to ensure that Stations meet established standards for reporting information relating to human rights abuses. [REDACTED]



13.



14.



15. **Analytical Functions.** DI analysts responsible for producing finished intelligence and conducting briefings of government policymakers should be given access to [REDACTED] that pertains to their areas of responsibility. The DDI should establish standards that ensure that DI analysts consider all relevant information so that inaccurate, misleading, or incomplete statements are not incorporated into DI intelligence products or briefings.

16. **DO Records System.** The DO should intensify its efforts to ensure that Headquarters and Station personnel are supported by a records and information management system that will provide thorough, dependable and timely access to all information of relevance to a particular individual or subject. [REDACTED]

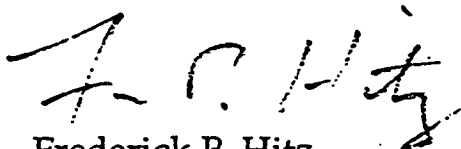
17. **Accountability.** This investigation has established that there is no basis for several of the most significant allegations that have been made against the Agency and its employees relating to its activities in Guatemala. Unfortunately, the investigative and political furor that was launched with these allegations and that has consumed much of the U.S. Government's valuable time and energy for the past several months could have been avoided or reduced if Agency employees had performed more capably in reporting the events in question.

18. A review of Agency activities relating to the Alpirez, DeVine, Bamaca, [REDACTED] matters reveals a general failure to adhere to the professional standards in collecting, reporting and analysis that the Agency expects from its personnel. The causes of this are puzzling. It may be that closer scrutiny or higher standards are now being imposed on the workforce. There are many possible explanations which we will not venture here.

19. Whatever the reason, from recruitment to reporting; from corroboration to processing; from validation to analysis; from congressional notification to crimes referral, the facts demonstrate performance that is not as professional or competent or sound in its judgments as the Agency and the U.S. Government have a right to expect. It is not that anyone engaged in intentional wrongdoing, but that so many errors were committed along the way. Agency management also must be faulted for the failures of Agency personnel that are identified in this Report of Investigation.

20. Many officers contributed to the problems and shortcomings described in this Report, but certain officers had special responsibilities and played significant roles that separate them from the rest. Although there is no evidence to indicate that they were involved in the specific events under review here, the level of professionalism that prevailed in the Agency must ultimately be laid at the feet of the most senior Agency managers, DCIs and DDCIs during this period. In addition, the names of individual officers who should be held responsible for specific deficiencies have been provided to the Director for his consideration and action.

CONCUR:



Frederick P. Hitz
Inspector General

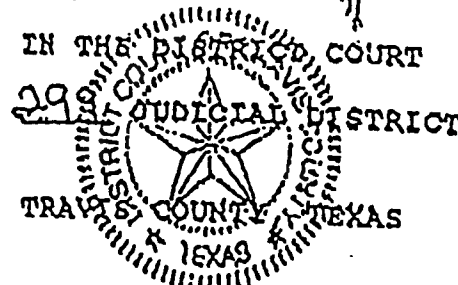
15 July 95
Date

NO. 93-06259

IN THE MATTER OF THE
MARRIAGE OF

JENNIFER KRISTINA HARBURY
AND
EFRAIN BAMACA VELASQUEZ

* IN THE DISTRICT COURT
*
* 29 JUDICIAL DISTRICT
*
* TRAVIS COUNTY, TEXAS
*



ORIGINAL PETITION FOR DECLARATORY JUDGMENT

TO THE HONORABLE JUDGE OF SAID COURT:

JENNIFER KRISTINA HARBURY, Petitioner, petitions the Court pursuant to the Uniform Declaratory Judgments Act, Chapter 37 of the Civil Practice and Remedies Code of Texas, and pursuant to the Texas Family Code, for a declaration that Petitioner Jennifer Kristina Harbury was lawfully married to Efrain Bamaca Velasquez under Texas law. In support of this petition, Petitioner shows as follows:

I.

Petitioner is an individual residing in Travis County, Texas. On or about September 25, 1991, Jennifer Kristina Harbury and Efrain Bamaca Velasquez resided together in the State of Texas, agreed with each other to be married, exchanged marriage vows with each other, cohabited, and held themselves out as married. It was their intent and understanding that they were Husband and Wife. All of the above acts were done in the State of Texas. Under Texas law, they were legally married.



3

II.

Petitioner requests that the Court declare her marriage to Efrain Samaca Velasquez to be lawful under Texas law.

WHEREFORE, Petitioner requests that on final hearing, Petitioner have judgment as follows:

1. A declaration that Jennifer Kristina Harbury and Efrain Samaca Velasquez were lawfully married on September 25, 1991, under Texas law.
2. Such other and further relief to which Petitioner may be entitled.

Respectfully submitted,

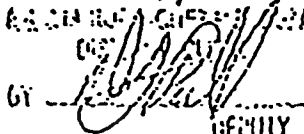


Brian East
State Bar No. 06360800
EAST & MARTINEZ, P.C.
1400 West 6th Street
Austin, Texas 78703
(512) 474-6882
FAX (512) 474-4667

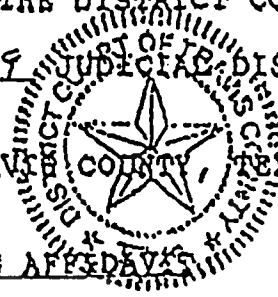
ATTORNEY FOR PETITIONER

LAURENCE MICHIGNEZ, Clerk of Tarrant County, Texas, do hereby certify that this is a true and correct copy of the original filed for record in the County of Tarrant, Texas, on this 1st day of December, 1991.



By 
CLERK

harbury

NO. 93-06259IN THE MATTER OF THE
MARRIAGE OFJENNIFER KRISTINA HARBURY
AND
EFRAIN BAMACA VELASQUEZ* IN THE DISTRICT COURT
*
* 299 JUDICIAL DISTRICT
*
* TRAVIS COUNTY, TEXAS
*PETITIONER'S SUPPORTING AFFIDAVIT

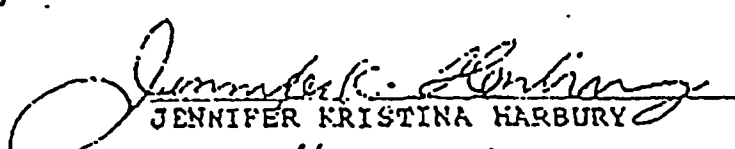
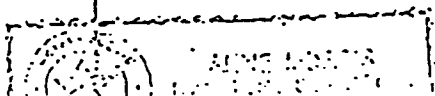
STATE OF TEXAS

BEFORE ME, the undersigned authority, personally appeared
JENNIFER KRISTINA HARBURY, who, by me duly sworn, deposed as
follows:

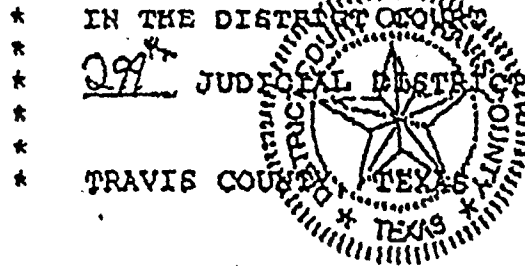
"My name is Jennifer Kristina Harbury. I am of sound mind
and capable of making this affidavit. I am personally
acquainted with the facts herein stated, which are true.

"I am the Petitioner in the above-entitled and -numbered
cause.

"The residence of EFRAIN BAMACA VELASQUEZ, a party to such
cause, is unknown to Petitioner. Petitioner has exercised due
diligence to locate the whereabouts of this party and has been
unable to do so."

SIGNED on May 21, 1993.

JENNIFER KRISTINA HARBURY
SIGNED under oath before me on May 21, 1993.
Notary Public
Notary Public, State of Texas

5

No. 93-06259IN THE MATTER OF THE
MARRIAGE OFJENNIFER KRISTINA HARBURY
AND
EFRAIN BAMACA VELASQUEZMOTION FOR SUBSTITUTED SERVICE
OTHER THAN PUBLICATION

TO THE HONORABLE JUDGE OF SAID COURT:

JENNIFER KRISTINA HARBURY, Petitioner in the above-entitled and -numbered cause, makes this motion pursuant to TEX. R. CIV. PROC. 109a, thereby requesting the Court to prescribe a different method of substituted service, and as grounds therefor, shows the following:

I.

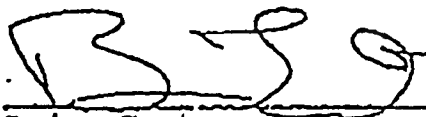
Service of citation by publication as to the Respondent EFRAN BAMACA VELASQUEZ is authorized by the provisions of TEX. R. CIV. PROC. 109. In accordance with said rule, Petitioner has filed her affidavit for citation by publication, a true copy of which is attached hereto and incorporated herein by reference as if fully copied and set forth at length.

II.

A method of service that is as likely as publication to give said Respondent actual notice of the suit is by posting at the Travis County Courthouse.

WHEREFORE, Petitioner requests that the Court prescribe such different method of service, finding that such method is as likely as publication to give Respondent actual notice of this case.

Respectfully submitted,



Brian East
State Bar No. 06360800
EAST & MARTINEZ, P.C.
1405 West 6th Street
Austin, Texas 78703
(512) 474-6882
FAX (512) 474-4667

ATTORNEY FOR PETITIONER

NOTED FOR RECORDING BY CLERK
OF TARRANT COUNTY, TEXAS. I HEREBY CERTIFY
THAT THE FOLLOWING IS A TRUE AND CORRECT COPY OF
THE PETITION FOR SUBSTITUTION OF SERVICE
AS REQUESTED BY THE PETITIONER AND THAT THE
SAME HAS BEEN FILED FOR RECORD IN THE
CLERK OF TARRANT COUNTY, TEXAS.



FILED
BY *[Signature]*
CLERK OF TARRANT COUNTY, TEXAS
OFFICE

Cause No. 9306259

CITATION BY PROCESS
THE STATE OF TEXAS

P. 26

TO: EFRAIN SAMACA VELASQUEZ

and to all whom it may concern

YOU HAVE BEEN SUED. You may employ an attorney. If you or your attorney do not appear with the clerk who issued this citation by 10:00 A. M. on the Monday next following the expiration of twenty days after service of this citation and petition, a default judgment may be taken against you.

YOU ARE HEREBY COMMANDED to appear and answer before the Honorable District Court, 28th Judicial District, Travis County, Texas, at the Courthouse of said County in Austin, Texas, at or before 10 o'clock A.M. of the Monday next after expiration of twenty days from the date of service of this citation, then and there to answer the ORIGINAL PETITION filed in said court on the 28th day of MAY, 1993, and said suit being number 9306259 on the docket of said court, and entitled "In the Matter of the Marriage of JENNIFER KRISTINA HARBURY AND EFRAIN SAMACA VELASQUEZ".

The nature of said suit is a request to declare valid the marriage of Jennifer Kristina Harbury and Efrain Samaca Velasquez.

Witness my hand and the seal of said court at Austin, Texas, this 28th day of May, 1993.

REQUESTED BY:

ERIKH EAST

1405 W 42nd Street

AUSTIN, TEXAS 78703

512/471-6667

AMALIA RODRIGUEZ-MENDOZA

Travis County District Clerk

1405 W 42nd St., P. O. Box 1768

AUSTIN, TEXAS 78763



Amalia Rodriguez-Mendoza
Deputy

RETURN

Came to hand on the 28 day of MAY 1993 at 3:57 o'clock P.M., and executed by posting the same at the Courthouse door in Travis County for seven (7) days beginning on the 28 day of MAY 1993.

Service Fees:

Printer Fees:

Amount to and subscribed before me this

the day of

NOTARY PUBLIC, THE STATE OF TEXAS

BRUCE ELFANT

CONSTABLE, PRECINCT 5, TRAVIS COUNTY, TEXAS

SHERIFF/CONSTABLE/NOTARY PUBLIC

BY:

Carol Lake
CAROL LAKE

PRINTED NAME OF SERVOR

TRAVIS

County, Texas

9306259-001

Constable Precinct 5

CONSTABLE

53 JUN -7 PM 2:03

53 JUN -7 PM 2:03

ENTERED

RODRIGUEZ-MENDOZA, District Clerk
County, Texas, do hereby certify
is a true and correct copy of

appears of record in my office. Witness

my seal of office on

the 19th day of

AMALIA RODRIGUEZ-MENDOZA

DISTRICT CLERK

BY

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1993 MAY 28 PM 3:57

CONSTABLE PRECINCT 5
TRAVIS COUNTY, TEXAS

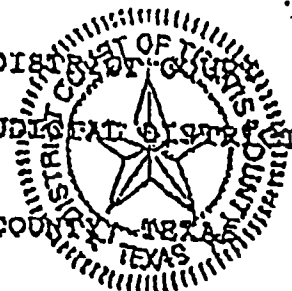
NO. 93-06259IN THE MATTER OF THE
MARRIAGE OFJENNIFER KRISTINA HARBURY
AND
EFRAIN BAMACA VELASQUEZ*
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*

IN THE DISTRICT OF TEXAS

299

JUDICIAL DISTRICT

TRAVIS COUNTY, TEXAS

ORDER FOR SERVICE IN LIEU OF PUBLICATION

On this day came on to be considered the motion of Jennifer Kristina Harbury, Petitioner in the above-entitled and -numbered cause, for service of citation by a method of substituted service different from publication. Having heard and considered said motion, the Court is of the opinion that its grounds are true and correct, that citation by publication is authorized as to Efrain Bamaca Velasquez, and that the method of service prescribed herein would be as likely as publication to give said Respondent actual notice of the suit.

IT IS, ACCORDINGLY, ORDERED that service upon Efrain Bamaca Velasquez be effected by posting the citation, with a true copy of the Original Petition for Declaratory Judgment attached, at the Travis County Courthouse in Austin, Texas. Service shall be effective on the date posted.

DATED: May 28, 1993

 JUDGE PRESIDING

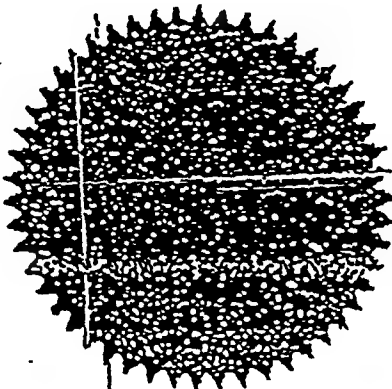
JA RODRIGUEZ ALONSO
 his Court. Texas do hereby certify
 this is a true and correct copy of
 the original of the same.
 I appear and confirm the correctness
 and copy of the same.

9

NO. 93-06259

IN THE MATTER OF THE
MARRIAGE OFJENNIFER KRISTINA HARBURY
AND
EFRAIN BAMACA VELASQUEZ* IN THE DISTRICT COURT
*
* 299th JUDICIAL DISTRICT
*
* TEXAS
* TRAVIS COUNTY, TEXASAPPOINTMENT OF ATTORNEY AD LITEM

The court finds that the Respondent EFRAIN BAMACA VELASQUEZ, who is a party herein, has been cited by posting and that no answer has been filed and no appearance has been entered by such party within the prescribed time. The Court appoints Thomas L. Kolker, a licensed attorney at law of this state, to defend the suit on behalf of the party.


 JUDGE PRESIDING


AMALIA RODRIGUEZ-MENDOZA, Clerk
of Travis County, Texas, do hereby certify
that this is a true and correct copy of
the original as the same appears of record in my office. Witness
my hand and seal of office on
this 15th day of June, 1995.



AMALIA RODRIGUEZ-MENDOZA
CLERK
DEPUTY

NO. 93-06259

IN THE MATTER OF THE
MARRIAGE OFJENNIFER KRISTINA HARBURY
AND
EFRAIN BAMACA VELASQUEZ* IN THE DISTRICT COURT
* 299th JUDICIAL DISTRICT
* TRAVIS COUNTY, TEXASDECLARATION AND REGISTRATION OF MARRIAGE,
TRAVIS COUNTY, TEXAS, U.S.A.

On this date came on to be heard the Original Petition for Declaratory Judgment Regarding Marriage in the above-entitled and -numbered cause, and having heard the evidence and argument of counsel, the Court is of the opinion that the petition should be and hereby is,

GRANTED.

IT IS ORDERED, ADJUDGED, AND DECREED that JENNIFER KRISTINA HARBURY, Social Security Number 547-90-9330, born October 27, 1951 in Baltimore, Maryland, U.S.A., and EFRAIN BAMACA VELASQUEZ, born June 18, 1957 at Finca El Tablero, El Tumbador, San Marcos, Guatemala, were legally married to each other under the laws of the State of Texas on September 25, 1991.

DATE: June 23, 1995

JUDGE PRESIDING

[Signature]
I, ANA LIA MONTESQUEZ-MENDOZA, District Clerk
of Travis County, Texas, do hereby certify
that this is a true and correct copy.

25 SEPT 1995

FILED

2 of 2

WIFE
Title 1

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ENTERING MARRIAGE RELATIONSHIP
Ch. 1

§ 1.91

(2) they agreed to be married, and after the agreement they lived together in this state as husband and wife and there represented to others that they were married.

(b) A proceeding in which a marriage is to be proved under this section must be commenced not later than one year after the date on which the relationship ended or not later than one year after September 1, 1989, whichever is later.

Acts 1969, 61st Leg., p. 2707, ch. 888, § 1, eff. Jan. 1, 1970. Amended by Acts 1989, 71st Leg., ch. 369, § 9, eff. Sept. 1, 1989.

Historical and Statutory Notes

The 1989 amendment, in subsec. (b), substituted "A" for "in any" and "this section must be commenced not later than one year after the date on which the relationship ended or not later than one year after September 1, 1989, whichever is later" for "Subsection (a)(2) of this section, the agreement of the parties to marry may be inferred if it is proved that they lived together as husband and wife and represented to others that they were married".

Section 10(b) of the 1989 amendment provides:

(b) This Act applies only to a suit filed after the effective date of this Act. A suit filed before the effective date of this Act is governed by the law in effect at the time the suit was filed, and that law is continued in effect for that purpose."

Cross References

Agreements in consideration of marriage, statute of frauds, see V.T.C.A. Bus. & C. § 24.01.
Presumption of validity of marriage, see § 2.01.
State policy, see § 2.01.
Wrongful death actions, admissibility of evidence of common-law marriage, see V.T.C.A. Civil Practice & Remedies Code, § 71.004.

Law Review Commentaries

Annual survey of Texas law: Family law—Husband and wife. Joseph W. McKnight, 34 Southwestern L.J. (Tex.) 115 (1980); 35 Southwestern L.J. (Tex.) 93 (1981); 36 Southwestern L.J. (Tex.) 97 (1982).
Common law marriage under the Family Code. 8 Houston L.Rev. 106 (1970).

Library References

Marriage — 13, 21K1, 21, 22.
WESTLAW Topic No. 253.
C.J.S. Marriage §§ 6, 18, 19, 21, 22.

Notes of Decisions

Admissibility of evidence	Agreement—Cont'd
Generally 37	Prior marriage 8
Agreement 9	Sufficiency of evidence 10
Representation or holding out to others 16	Burden of proof 34
Age requirements 24	Capacity to marry 21
Agreement 4-10	Ceremonial marriage, presumptions 21
In general 4	Circumstantial evidence 35
Admissibility of evidence 9	Cohabitation 11, 12
Conditional agreement 6	In general 11
Implied or inferred 5	Sufficiency of evidence 12
Present intent 7	Conditional agreement 6
	Conduct or actions of parties, generally 35

duplicate marriage license completed with information as contained in the records.

(b) On the application and proof of identity of both persons to whom a marriage license was issued but not recorded as required by Section 1.85 of this code, the county clerk shall issue a duplicate license if each person applying submits to the clerk an affidavit stating:

(1) that the persons in whom the original license was issued were married to each other by a person authorized to conduct marriage ceremonies before the expiration date of the original license;

(2) the name of the person who conducted the ceremony; and

(3) the date on which the marriage ceremony occurred.

Added by Acts 1975, 64th Leg., p. 621, ch. 254, § 2, eff. Sept. 1, 1975.

Law Review Commentaries

Husband and wife. Joseph W. McKnight, 8
Texas Tech L. Rev. 7 (1976).

Library References

Marriage § 25(4).
WESTLAW Topic No. 251.
C.I.S. Marriage § 75

[Sections 1.87 to 1.90 reserved for expansion]

SUBCHAPTER E. MARRIAGE WITHOUT FORMALITIES

§ 1.91. Proof of Certain Informal Marriages

(a) In any judicial, administrative, or other proceeding, the marriage of a man and woman may be proved by evidence that:

(1) a declaration of their marriage has been executed under Section 1.92 of this code; or

AND AND WIFE Title I

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ENTERING MARRIAGE RELATIONSHIP Ch. I

Judgment. O'Beas v. O'Beas (Civ.App. 1966)
410 S.W.2d 214, error dismissed.

In absence of proper challenge of the suffi-
ciency of evidence to support determination by
trial court on issues concerning existence of
common-law marriage, for purposes of deter-
mining ownership of certain parcels of land,
question whether common-law marriage exist-
ed between a certain man and woman was not
before Court of Civil Appeals on appeal. Fay-
lie v. Williams (Civ.App. 1978) 569 S.W.2d 557,
ref. n.r.e.

Existence of agreement to be married, either
express or implied, for purposes of determina-
tion whether man and woman had entered
common-law marriage, as well as issue of
cohabitation and common reputation are

questions of fact, determination of
review, if properly presented, become
sive in Court of Civil Appeals under
S, § 6, and Vernon's Ann.Civ.St. 2
Fagile v. Williams (Civ.App. 1978) 56
557, ref. n.r.e.

Under the "no evidence" standard
evidence was clearly sufficient to su-
trial court's finding of common-law
in action for appointment of exor-
determination of heirship; record
testimony supporting the finding not
deceased's alleged common-law wife,
from deceased's father and other lay
Cain v. Whitlock (App. 14 Dist.
S.W.2d 528.

§ 1.92 Declaration and Registration

(a) A declaration of informal marriage shall be executed on a form
scribed by the Bureau of Vital Statistics of the State Department of
and provided by the county clerk. Each party to the declaration shall
the information required in the form.

(b) The declaration form shall contain:

(1) a heading entitled "Declaration and Registration of Informal
riage, _____ County, Texas";

(2) spaces for each party's full name (including the woman's
surname), address, date of birth, place of birth (including city, county
state), and social security number, if any;

(3) a space for indicating the date of document tendered by each party
proof of age and identity;

(4) printed boxes for each party to check "true" or "false" in response
the following statement: "The _____ party is not related to me as:

(A) an ancestor or descendant, by blood or adoption;

(B) a brother or sister, of the whole or half blood or by adoption;

(C) a parent's brother or sister of the whole or half blood; or

(D) a son or daughter of a brother or sister of the whole or half
or by adoption."

(5) a printed declaration and oath reading: "I SOLEMNLY SWEAR
AFFIRM) THAT WE, THE UNDERSIGNED, ARE MARRIED TO EACH
OTHER BY VIRTUE OF THE FOLLOWING FACTS: ON OR ABOUT (DATE)
WE AGREED TO BE MARRIED; AND AFTER THAT DATE WE LIVED
TOGETHER AS HUSBAND AND WIFE AND IN THIS STATE WE RE-
SENTED TO OTHERS THAT WE WERE MARRIED. SINCE THE DATE OF
MARRIAGE TO THE OTHER PARTY I HAVE NOT BEEN MARRIED
ANY OTHER PERSON. THIS DECLARATION IS TRUE AND THE IN-
FORMATION IN IT WHICH I HAVE GIVEN IS CORRECT."

(6) spaces immediately below the printed declaration and oath for the parties' signatures; and

(7) a certificate of the county clerk that the parties made the declaration and oath and the place and date it was made.

(c) If either party is underage at the time of filing a declaration, the declaration shall have attached an acknowledgment consent executed by a parent of each underage person.

Acts 1969, 61st Leg., p. 2707, ch. 888, § 1, eff. Jan. 1, 1970. Amended by Acts 1971, 62nd Leg., p. 2508, ch. 826, § 2, eff. June 9, 1971; Acts 1973, 63rd Leg., p. 1601, ch. 577, § 9, eff. Jan. 1, 1974; Acts 1987, 70th Leg., ch. 221, § 1, eff. Sept. 1, 1987.

Historical and Statutory Notes

The 1971 amendment added the provisions now appearing as subsec. (c) and designated as subsecs. (d), (e) and (f) the provisions previously appearing as subsecs. (c), (d) and (e).

The 1973 amendment, in the second sentence of subsec. (a), substituted "required" for "for which spaces are provided"; in subd. (b)(2), substituted "social security number, if any" for "race"; substituted subds. (b)(3) to (5) for former subds. (b)(3), (4), which read:

"(3) a printed declaration reading: 'We, the undersigned declare that we are married to each other by virtue of the following facts: On or about (date) we agreed to be married, and after that date we lived together in this state as husband and wife and in this state recognized to others that we were married';

"(4) a printed oath reading: 'I SOLEMNLY SWEAR (OR AFFIRM) THAT THE ABOVE DECLARATION IS TRUE, THAT THE INFORMATION I HAVE GIVEN HEREIN IS CORRECT, THAT I AM NOT PRESENTLY MARRIED TO ANY OTHER PERSON, AND THAT I AM NOT RELATED TO THE OTHER PARTY TO THE DECLARATION WITHIN THE DEGREES PROHIBITED BY LAW.'"

In previous subds. (b)(4), (7), the 1973 amendment substituted "declaration and"; in subd. (b)(7), substituted "parties" for "applicant"; in subsec. (c) substituted "was underage, as provided in Section 11 of this code, at the time of the marriage" for "If either party is still before underage at the time"; substituted "a parent" for "the parents"; and deleted subsec. (d) to (f), which read:

"(d) The county clerk shall:

"(1) determine that all necessary information is on the form;

"(2) administer the oath to each party;

"(3) have each party sign the declaration in his presence; and

"(4) execute his certificate on the declaration.

"(e) The county clerk shall record the declaration, deliver the original of the declaration to the parties, and transmit a copy to the Bureau of Vital Statistics.

"(f) A declaration executed under this section is prima facie evidence of the marriage."

The 1987 amendment in subd. (b)(4) added par. (D).

Cross References

Administration of vital statistics records, see V.T.C.A. Health & Safety Code, § 191.001 et seq.
Annulment of marriage where consent not obtained under this section, see § 2.41(b).
County clerk, duties, see V.T.C.A. Government Code, § 51.40.
Fee for services rendered in connection with execution of a declaration under this section, see V.T.C.A. Local Government Code, §§ 118.011, 118.019.
Parent defined, see §§ 11.01(3), 51.02(2).
Parental consent, see § 1.52.

Law Review Commentaries

Common law marriage under the Family Code. 8 Houston L.Rev. 106 (1970).

ND AND WIFE
Title 1.

nd oath for the
the declaration

declaration, the
executed by a

ded by Acts 1971,
p. 1601, ch. 577,
1987.

(7), the 1973 amend.
in and; in subd.
for "applicant"; in
derage, as provided
the time of the
after "If either
underage at the
for "the parents";
to (f), which read:
all:

necessary informa-

to each party;
the declaration in

we on the declara-

ill record the decla-
of the declaration in
copy to the Bureau

ted under this sec-
of the marriage."
subd. (b)(4) added

2 § 191.001 et seq.
1241(b).

for this section, see

ENTERING MARRIAGE RELATIONSHIP
Ch. 1

Library References

Marriage 21.
WESTLAW Topic No. 253.
C.J.S. Marriage § 21.

Notes of Decisions

In general 1
Age of parties 2

1. In general

Neither county clerks, nor their deputies,
had discretion to refuse to perform the duties
set forth in former subsecs. (c), (d) of this
section, where all information required to be
given on the form was furnished. Op. Att.
Gen. 1970, No. M-57A.

2. Age of parties

Males under 19 years of age, and females under 18 years of age, but over 14 years of age, whether or not they have parental consent, may execute a declaration of informal marriage pursuant to provisions of § 1.91 and this section. Op. Att. Gen. 1969, No. M-502.

Males under 16 years of age and females under 14 years of age may not execute a declaration of informal marriage pursuant to provisions of § 1.91 and this section. Op. Att. Gen. 1969, No. M-502.

§ 1.93. Proof of Identity and Age

The county clerk shall require proof of the identity and age of each party to the declaration to be established by a certified copy of the party's certificate or by some certificate, license, or document issued by this state, another state, the United States, or a foreign government.

Added by Acts 1973, 63rd Leg., p. 1601, ch. 577, § 10, eff. Jan. 1, 1974.

Cross References

Marriage license, proof of identity and age. - § 1.04.

Library References

Marriage 21.
WESTLAW Topic No. 253.
C.J.S. Marriage § 21.

§ 1.94. Recording of Declaration

(a) The county clerk shall:

- (1) determine that all necessary information is entered in the declaration and that all necessary documents are submitted to him;
- (2) administer the oath to each party to the declaration;
- (3) have each party sign the declaration in his presence; and
- (4) execute his certificate to the declaration.

(b) The county clerk may not certify or record the declaration if:

- (1) either party fails to supply any information, or to provide any document, required by this subchapter;
- (2) either party is under 16 years of age and waiver of the age requirement has not been ordered; or

2012
§ 1.94

HUSBAND AND WIFE
Title 1

(3) either party checks "false" in response to the statement of relationship to the other party.

(c) On execution of the declaration, the county clerk shall record the declaration and all documents submitted with the declaration or note a summary of them on the declaration form, deliver the original of the declaration to the parties, and send a copy to the Bureau of Vital Statistics.

(d) A declaration recorded as provided in this section is prima facie evidence of the marriage of the parties.

(e) At the time the parties execute the declaration, the clerk shall distribute to each party printed materials about acquired immune deficiency syndrome (AIDS) and human immunodeficiency virus (HIV). The clerk shall note on the declaration that the distribution was made. The materials shall be prepared and provided to the clerk by the Texas Department of Health and shall be designed to inform the parties about:

(1) the incidence and mode of transmission of AIDS and HIV;

(2) the local availability of medical procedures, including voluntary testing, designed to show or help show whether a person has AIDS or HIV infection, antibodies to HIV, or infection with any other probable causative agent of AIDS; and

(3) available and appropriate counseling services regarding AIDS and HIV infection.

Added by Acts 1973, 63rd Leg., p. 1601, ch. 577, § 10, eff. Jan. 1, 1974. Amended by Acts 1989, 71st Leg., ch. 1195, § 4(a), eff. Sept. 1, 1989.

Historical and Statutory Notes

The 1989 amendment added subsec. (e).

Section 4(b) of the 1989 amendatory act provides:

"The Texas Department of Health shall prepare and distribute to county clerks the informational materials described by this Act as

soon as possible after the effective date of this Act, but not later than January 1, 1990. A county clerk is not required to make the notations on declarations of formal marriage described by Subsection (e). Section 1.94, Family Code, as added by this Act before January 1, 1990."

Cross References

Administration of vital statistics records, see V.T.C.A. Health & Safety Code, § 191.001 et seq.
County clerk, duties, see V.T.C.A. Government Code, § 51.402.

Library References

Marriage 4032.
WESTLAW Topic No. 253.
C.J.S. Marriage § 33.

Historical and Statutory Notes

Prior Laws:

P.D. 4667.
Rev.Civ.St.1879, art. 2841.
Rev.Civ.St.1895, art. 2957.
Rev.Civ.St.1911, art. 4611.

Acts 1911, 32nd Leg., p. 63.
Rev.Civ.St.1925, art. 4605.
Acts 1959, 56th Leg., 2nd C.S., p. 11
§ 1.
Acts 1963, 59th Leg., p. 1151, ch.
Vernon's Ann.Civ.St. art. 4603, sub

Cross References

Absent applicant, proof of identity and age under this section, see § 1.05(b)(2).
Application for license, proof of identity and age under this section, see § 1.02(2)(A).
Marriage without formalities, proof of identity and age, see § 1.93.

Library References

Marriage 25(4).
WESTLAW Topic No. 253.
C.J.S. Marriage § 25.

Notes of Decisions

Affidavits 2
Authority to issue license 1
Court ordered waiver 3

attesting to age of parties did not re-
marriage voidable or invalid in any
Williams v. White (Civ.App.1954) 26
666, ref. n.r.c.

1. Authority to issue license

A county clerk had no authority to issue
marriage license where male was under age of
16 or female was under age of 14 even though
provisions of Vernon's Ann.Civ.St. art. 4603
(repealed) had been complied with. Op.Atty.
Gen.1942, No. 0-4860.

3. Court ordered waiver

A county clerk is neither obligated
nor permitted to accept a court ordered waiver
furnishing of the information concerning
identification of the applicant or identity
of the parent required on the marriage
application. Op.Atty.Gen.1975, No. 1

2. Affidavits

Under Vernon's Ann.Civ.St. art. 4603 (re-
pealed), a false affidavit executed by husband

§ 1.05 Absent Applicant

(a) If only one of the applicants is able to appear personally before
the county clerk to apply for a marriage license, any adult person or other
applicant may apply on behalf of the absent applicant.

(b) The person applying on behalf of an absent applicant shall provide
the clerk:

(1) the affidavit of the absent applicant as prescribed by Subsection
this section;

(2) proof of the identity and age of the absent applicant as prescribed
Section 1.04 of this code; and

THIS APPLIES TO CEREMONIAL
MARRIAGES ONLY

HUSBAND AND WIFE
Title 1

ENTERING MARRIAGE RELATIONSHIP
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Other state, the

A. 113, ch. 20

151, ch. 543, § 1,
1905, subsec. (b).

200XA).

did not render mar-
riage in any respect.
1954) 263 S.W.2d

obligated nor per-
mitted waiver of the
age or identification
for marriage license
1973, No. H-503.

shall be before the
county clerk or the other

shall be present to

Subsection (c) of

was provided by

(3) If required, the document establishing parental consent establishing that a prior marriage has been dissolved, or a copy of the absent applicant as prescribed by Subchapter C of this chapter.

(c) The affidavit of an absent applicant must include:

(1) the absent applicant's full name (including the maiden name, if applicable), address, date of birth, place of birth (including city and state), citizenship, and social security number, if any;

(2) a declaration that the absent applicant has not been divorced within the last 30 days;

(3) a declaration that the absent applicant is not presently married (unless to the other applicant as they wish to marry again);

(4) a declaration that the absent applicant is not related to the other applicant as:

(A) an ancestor or descendant, by blood or adoption;

(B) a brother or sister, of the whole or half blood or

(C) a parent's brother or sister of the whole or half blood;

(D) a son or daughter of a brother or sister of the whole or half blood or by adoption;

(5) a declaration that the absent applicant desires to marry the other applicant, and the name, age, and address of the person to whom the absent applicant is to be married;

(6) the approximate date on which the marriage is to occur;

(7) the reason the absent applicant is unable to appear personally before the county clerk for the issuance of the license; and

(8) if the absent applicant will be unable to attend the ceremony, the name and address of any adult, except the other applicant, to act as proxy for the absent applicant at the ceremony.

Acts 1969, 61st Leg., p. 2707, ch. 888, § 1, eff. Jan. 1, 1970. Amended by Acts 1973, 64th Leg., p. 1598, ch. 577, § 4, eff. Jan. 1, 1974; Acts 1975, 64th Leg., p. 1, eff. Sept. 1, 1975; Acts 1987, 70th Leg., ch. 195, § 2, eff. Sept. 1, 1987; Acts 1987, 70th Leg., ch. 221, § 3, eff. Sept. 1, 1987.

Historical and Statutory Notes

The 1973 amendment rewrote this section, which prior thereto read:

"Certain Information or Formalities May be Omitted"

"Any information pertaining to an applicant, other than the applicant's name, may be omitted from the application, and any formality required by Subchapters A, B, and D of this chapter may be waived on the county judge's written order, issued for good cause shown, and submitted to the county clerk at the time the application is made."

The 1975 amendment inserted (c)(2) and renumbered former (7) as (c)(3) to (8).

Acts 1987, 70th Leg., ch. 1, § 1(4), inserted "documentary evidence that a prior marriage has been dissolved."

Acts 1987, 70th Leg., ch. 22, § 1(b), deleted subd. (3), which required a medical examination certificate for the absent applicant, and substituted the order for the absent applicant as prescribed by Subchapter B of this chapter. Subd. (c)(4) added par. (D).

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ROBERT J. GIBSON & ASSOCIATES

ATTORNEYS AT LAW
3017 BRAZOS STREET
HOUSTON, TEXAS 77006

(713) 580-7117

12-1- 1994

IN RE: JENNIFER HARBURY
AND
EPHRIAM BAMACA

TO WHOM IT MAY CONCERN:

A search was made of Travis County, Texas, U.S.A., marriage, and Declaration and Registration of common law marriages, on November 30, 1994 by this writer.

Travis county has not computerized these records before December, 1992. The search reviewed the computer listings since that time and the manually executed records before that time for the dates hereafter listed. They were checked under both the male name and the female name.

The ledgers each covered the following dates:

1983 through 1985
Fall of 1985 through Spring of 1987
Spring of 1987 through Winter of 1988
End of 1988 through Summer of 1990
Summer of 1990 through April of 1992
March of 1992 through November of 1992
Computer listings from December of 1992 until November 28, 1994.

The ledger covering the relevant date of September 25, 1991 was double checked by an employee of the Travis County Clerks office.

In none of the above records appeared any record of either of the referenced parties having been married in Travis County, Texas, U.S.A., so far as could be discerned.

There is also a record kept in Travis County of filings of "Domestic Partners". These are apparently set up in keeping with local ordinances allowing homosexuals, etc., to file as partners and such unions do not constitute a marriage. Therefore, I did not search these records.

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There is a provision for an "absent applicant" to obtain a "marriage license". (this is for a ceremonial marriage as opposed to a common law marriage). I enclose a copy of that statute.

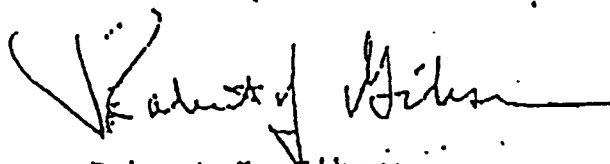
I also enclose a copy of the statute authorizing a common law marriage, or as the statute entitles it, an "Informal Marriage".

I also enclose a copy of the statute authorizing the filing of such an informal marriage. You will note in Sec 1.92, number (5) a requirement is that the couple satisfy the requirements of an informal marriage " in this state". This would, or might be, because other jurisdictions do not recognize or authorize such " common law" marriages. Therefore the couple would have to satisfy the requirements of Sec. 1.91 within the State of Texas(mutually) and any absentee compliance might be unsatisfactory.

You will also note that in Sec. 1.94 the statute requires that the Clerk "have each party sign the declaration in his presence" and execute his certificate to the declaration

I find no statute providing an "absentee" appearance for a declaration of an informal marriage.

We trust this information might be of some value to you in your besiged condition.



Robert J. Gibson
Attorney at Law

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*Central Intelligence Agency
Inspector General*

REPORT OF INVESTIGATION



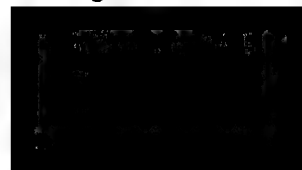
GUATEMALA: VOLUME VII
INDEX AND GLOSSARIES
(95-0024-IG)

July 15, 1995

*Frederick P. Hitz
Inspector General*

*A. R. Cinquegrana
Deputy Inspector General
for Investigations*

Investigators



Assistants



APPROVED FOR RELEASE
DATE: DEC 2001

All portions are
classified ~~SECRET~~

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Copy 54 of 100



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GLOSSARY OF KEY INDIVIDUALS

ALLEN, John	National Intelligence Officer for Latin America Division.
ALPIREZ, Julio Roberto	Guatemalan Army Colonel; [REDACTED] [REDACTED]
[REDACTED]	[REDACTED] [REDACTED]
ARONSON, Bernard	U. S. Assistant Secretary of State.
BAMACA Velasquez, Efrain	Also known as Comandante Everardo. Leader of the Organization of People in Arms (ORPA).
BARRERA, Byron	A Guatemalan journalist, who was wounded in an attempted assassination attack in Guatemala. Vice President of the Guatemalan Journalists Association.
BARRILLAS, Danilo	A Guatemalan politician, murdered 1985/1986.
BEVENS, Clifford	U.S. citizen kidnapped Dec 80 and later found dead in ORPA territory, Guatemala.
BILBAO, MAJ. Julio Alberto Soto	G-3 Officer alleged to have interrogated Bamaca.
BLAKE, Nicholas	An American journalist killed in 1985.
BLAKEMAN, Chat	National Security Council staff.

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[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
CABRERA Mejia, Cesar
Augusto "Nito"

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
Director, Guatemalan Military Intelligence
Service, D-2 (May 90 - Jun 91); Chief of Staff,
Ministry of Defense (Sep 89 - May 90).

[REDACTED]
CATALAN, Mario
Roberto Garcia

[REDACTED]
Commander of Military Zone-23.

CEREZO Arevalo,
Vinicio

President of Guatemala (Jan 86 - Jan 91).

[REDACTED]
COMBEST, Larry

[REDACTED]
HPSCI member.

CONTRERAS, Hugo

Only Guatemalan military officer convicted in
connection with DeVine's killing. Remains at
large. aka Hugo el Maldito or Hugo the Damned.

[REDACTED]
CUCUL, Rafael Tiul

[REDACTED]
Soldier assigned to S-2. Guatemala Government
Witness. Convicted of kidnapping and killing
DeVine Sentenced to 30 years.

[REDACTED]
SSCI staff member.

2
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DAVIS, Griffith

An American journalist killed in 1985.

DE LEON Carpio,
Ramiro

Appointed Guatemalan Human Rights
Ombudsman, Jan 92; President of Guatemala (Jun
93 - Present).

DEVINE, Carole

Spouse of Michael DeVine.

DEVINE, Michael

U. S. citizen - beaten and killed near his farm and
inn in El Peten province Guatemala during Jun
90.

DI/ALA Analyst

DICKS, Norm

HPSCI member.

ENRIQUEZ Morales,
Mario Rene

Minister of Defense (Jun 93 - Present).

ESPANA, Monroy

D-2 Legal Counsel.

FEINBERG, Richard

National Security Council staff.

HPSCI staff member.

GALVEZ Pena, Edgar

Alleged narcotics trafficker. Killed Jun 92.

GARCIA Hernandez,
Juan Antonio

Soldier assigned to S-2. Convicted of kidnapping
and killing DeVine.

GARCIA Samayoa, Jose
Domingo

Guatemalan Minister of Defense (Sep 91 - Jun 93).

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[REDACTED]

HPSCI staff member.

GODOY Gaitan, Edgar
Augusto

Head of Presidential Military Staff.

GOMEZ, Guillermo
Portillo

Deputy Commander of Military Zone-23.
Alleged to have given the order for DeVine's
kidnapping and killing.

[REDACTED]

[REDACTED]

GRAJALES, Sergio
Archila

Instructor at the Kaibil Base.

GRAMAJO Morales,
Hector Alejandro

Minister Of Defense (Jan 87 - Jul 90); Chief of the
Army (Jan 86 - Jan 87).

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

HAMILTON, John

Director of State Department, Office of Central
American Affairs.

HARBURY, Jennifer

Bamaca's American wife.

[REDACTED]

[REDACTED]

[REDACTED]

HPSCI staff member.

HERNANDEZ y
HERNANDEZ,
Tiburcio

Soldier assigned to S-2. Convicted of kidnapping
and killing DeVine.

[REDACTED]

[REDACTED]

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HOMME, Robert

State Department officer.

[REDACTED]
HPSCI staff member.

JARAMILLO, Mari-Luci

Deputy Assistant Secretary of Defense for InterAmerican Affairs.

[REDACTED]
[REDACTED]
Office of General Counsel Attorney in LA Division.

KEANE, John

[REDACTED]
Deputy Chief of Mission, Guatemala City (Aug 92 - Jun 95); Charge, Guatemala City (Nov 92 - Jun 93).

[REDACTED]
HPSCI Staff Director.

KERR, Richard

Deputy Director of Central Intelligence (Mar 89 - Mar 92); Acting Director of Central Intelligence (Sep 91 - Nov 91).

[REDACTED]
[REDACTED]
SSCI staff member.

LOPEZ, Santiago Cabrera

[REDACTED]
Member of Bamaca's Rebel Group-former Guatemalan Guerrilla.

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[REDACTED]

[REDACTED]

[REDACTED]

Office of Congressional Affairs Officer.

[REDACTED]

Office of Congressional Affairs Officer.

MARROQUIN Siliezar,
Juan Jose

Chief of Army (May 90 - Sep 90); Chief,
Presidential General Staff (Aug 83 - Mar 84).

MATA Galvez, Roberto
Enrique

Chief of Army (Sep 90 - Jan 91); Chief,
Presidential General Staff (Jan 86 - 1988).

MCAFEE, Marilyn

U. S. Ambassador, Guatemala City (Jun 93 -
Present).

[REDACTED]

SSCI staff member.

MENALDO, Luis
Francisco Ortega

Inter-American Defense Board (Aug 93 -
Present); Chief, Presidential General Staff (Jan 91
- Jun 93); Commander, Mobile Military Police
(May 90 - Sep 90); Director, Guatemalan Military
Intelligence Service, D-2 (1987 - 1989);

[REDACTED]

MENDOZA Garcia,
Luis

Minister of Defense (Jan 91-Sep 91).

[REDACTED]

HPSCI staff member.

[REDACTED]

[REDACTED]

[REDACTED]

MOSKOWITZ, Stanley

Director, Office of Congressional Affairs.






[REDACTED]

[REDACTED]

[REDACTED]

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NUCCIO, Richard	U.S. Government point man on peace talks in Guatemala.
	HPSCI staff member.
ORELLANA, Jose Tobias	Soldier assigned to S-2. Convicted of kidnapping and killing DeVine.
ORELLANA, Mario Ernesto Sosa	G- 2 officer. Reportedly interrogated Bamaca.
ORTIZ, Diana	American Nun. Kidnapped and sexually assaulted Nov 89.
	DI/ALA 
PATTERSON, Anne	State Official.
PEASE, Bruce	National Security Council staff.
PEREZ Molina, Otto Fernando	Chief, Presidential General Staff (Jun 93 - Present); Director, Guatemalan Military Intelligence Service, D-2 (Jan 92 - Jun 93); 
PEREZ, Rene	G-2 officer in San Marcos.
PERUCH, Mario Batz	Enlisted man assigned to Kaibil Base.
PERUSSINA Rivera, Jorge Roberto	Chief, National Defense Staff (Jul 93 - Jan 94); Chief of the Army (Dec 91 - Jun 93); Chief, Department of Presidential Security -ARCHIVO (1979 - 1982) 
PICKERING, Thomas	U.S. Ambassador to United Nations.
PONCE, Harry	Commander Military Zone 18 at time of Bamaca's capture.

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PORTILLO, Guillermo	Deputy Commander Military Zone 23. Alleged to have given the order for the kidnapping and killing of DeVine.
---------------------	--

PRICE, Hugh Assistant Deputy Director for Operations (Jan 91
- Dec 93); Deputy Director for Operations (Jan 94
- Apr 95).

RECINOS, Jamie
Adalto Agustin

RINDSKOPF, Elizabeth General Counsel.

RIOS MONTT, Jose Efrain Guatemalan President (Mar 82 - Aug 83).

$$1000000 \quad 4000000 \quad 10000000 \quad 100000000 \quad 1000000000$$

RODRIGUEZ, Daniel Tolon	Soldier assigned to S-2. Convicted of being the driver of the vehicle used in the kidnapping and killing of DeVine.
-------------------------	---

[illegible]

Department of Justice trial attorney assigned responsibility for the November 1991 referral of allegations about Alpirez.

~~SECRET~~

[REDACTED]
[REDACTED]
SAVASTUK, David

[REDACTED]
[REDACTED]
Department of State officer responsible for Guatemala.

SERRANO Elias, Jorge

President of Guatemala (Jan 91 - Jun 93).

SHATTUCK, John

State Official.

[REDACTED]
SIERRA, Otto Noack

HPSCI staff member.

Guatemalan Presidential Staff officer.

[REDACTED]
SMITH, David

[REDACTED]
HPSCI staff member.

State Department officer.

SOLBA, Francisco

Soldier assigned to S-2. Convicted of kidnapping and killing DeVine.

SOSA, Leonel

Member of the D-2.

[REDACTED]
STOLZ, Richard

[REDACTED]
Deputy Director for Operations (Jan 88 - Dec 90).

SSCI Staff member.

STROOCK, Thomas

U.S. Ambassador to Guatemala (Oct 89 - Aug 92).

STUDEMAN, William

Acting Director of Central Intelligence Agency.

SULLIVAN, Joseph

Deputy Assistant Secretary of State.

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[REDACTED]
TAYLOR, Phillip

[REDACTED]
Deputy Chief of Missions (Jul 89 - Jul 92).

TENET, George

Former SSCI Staff Director.

TORRICELLI, Robert

HPSCI member.

TWETTEN, Thomas

Assistant Deputy Director for Operations (Jun 88 - Dec 90); Deputy Director for Operations (Jan 91 - Jan 94).

VALDEZ, Oliverio
Orellana

Allegedly second in command and convicted of carrying out orders to kidnap and kill DeVine.

VALLADARES, Acisclo

Guatemalan Attorney General.

VEGA, Obdulio
Chinchilla

Guatemalan Congressman.

[REDACTED]
WARLOW, Mary Ellen

[REDACTED]
Department of Justice representative.

WATSON, ALEX

Special Assistant to Assistant Secretary of State.

[REDACTED]
WILHELM, Richard

[REDACTED]
Office of the Vice-President.

WILLINGHAM, Peg

Department of State Officer responsible for Guatemala.

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2.6 研究目的及意义、研究思路及研究内容

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$$m_{\text{eff}} = \frac{m}{1 + \frac{1}{2} \frac{m}{m_0} \frac{v}{c}} \quad (1)$$

$$\langle \mathbf{r} \rangle = \frac{1}{N} \sum_{i=1}^N \mathbf{r}_i = \frac{1}{N} \sum_{i=1}^N \left(\frac{1}{2} \left(\mathbf{r}_i + \mathbf{r}_{i+1} \right) \right)$$

1. *Journal of the American Medical Association*, 1997; 278: 1019-1024.


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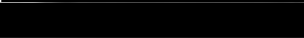



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Figure 1. Schematic representation of the experimental design. The subjects were divided into two groups: the control group and the experimental group. The control group was divided into two subgroups: the control group and the experimental group. The experimental group was divided into two subgroups: the control group and the experimental group. The control group was divided into two subgroups: the control group and the experimental group. The experimental group was divided into two subgroups: the control group and the experimental group.

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GLOSSARY OF TERMS

| | |
|---|--|
| AC | Acting Chief |
| ACOS | Acting Chief of Station |
| ADCI | Acting Director of Central Intelligence |
| ADDO | Associate Deputy Director for Operations |
| AFB | Air Force Base |
|  |  |
| ALA | Africa and Latin America |
| AMB | Ambassador |
| ARA/DAS | InterAmerican Regional Affairs/Deputy Assistant Secretary |
| BCCI | Bank of Credit and Commerce International |
| BNL | Banca Nazionale del Lavoro |
| C | Chief |
| CA | Covert Action |
|  |  |
| CAPT | Captain |
|  |  |
|  |  |

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| | |
|----------|--|
| CD | Compensation Division |
| CEM | Center of Military Studies |
| CEN | Central America |
| CG | Consul General |
| CGSC | Command and General Staff College |
| CI | Counterintelligence |
| CIA | Central Intelligence Agency |
| CIC | Counter Intelligence Center |
| CIS | Civil Intelligence Service |
| CMC | Commandant of the Marine Corps |
| CNO | Chief of Naval Operations |
| COL | Colonel |
| COM | Chief of Mission |
| COMJSOC | Commander Joint Special Operations
Command |
| COPREDEH | Guatemalan Human Rights
Coordination Commission |
| COS | Chief of Station |
| CSAF | Chief of Staff Air Force |
| CT | Career Trainee |
| DA | Department of Army |
| DAO | Defense Attaché Office |
| DAS | Deputy Assistant Secretary |
| DATT | Defense Attaché |






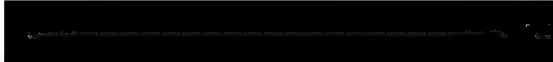


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| | |
|--------|--|
| DC | District of Columbia (CIA Headquarters) |
| DCI | Director of Central Intelligence |
| DCM | Deputy Chief of Mission |
| DCOS | Deputy Chief of Station |
| DDCI | Deputy Director of Central Intelligence |
| DDI | Deputy Director for Intelligence |
| DDO | Deputy Director for Operations |
| DDST | Deputy Director for Science & Technology |
| DEA | Drug Enforcement Agency |
| DI | Directorate of Intelligence |
| DIA | Defense Intelligence Agency |
| DO | Directorate of Operations |
| DOCA | Director of Congressional Affairs |
| DOD | Department of Defense |
| DOE/HQ | Department of Energy/Headquarters |
| DOI | Director of Operations Instruction |
| DoJ | Department of Justice |
| DS/ITA | Diplomatic Security/Intelligence Threat Analysis |
| DS/TAD | Diplomatic Security Threat Analysis Division |
| DSP | Department of Presidential Security
commonly referred as Archivos |

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|---|--|
| EGP | Guerrilla Army of the Poor |
| EMP | Presidential General Staff |
| EO | Executive Order |
| FAR | Rebel Armed Forces |
| FBI | Federal Bureau of Investigations |
| FI | Foreign Intelligence |
| Finca | Farm |
|  |  |
| FMF | Foreign Military Funds |
| FOIA | Freedom of Information Act |
|  |  |
|  |  |
|  |  |
| FT | Fort |
| FTN | FAX Transmission Number |
| FY | Fiscal Year |
| GAM | Mutual Support Group |
| GEN | General |
| GINSA | Gran Industria de Neumaticos
Centroamerica |
| GOG | Government of Guatemala |
| GOVT | Government |







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| | |
|--------|--|
| GSP | Generalized System of Preferences |
| GT | Guatemala |
| GUAT | Guatemala |
| HDQS | CIA Headquarters |
| HPSCI | House Permanent Select Committee on Intelligence |
| HQS | CIA Headquarters |
| HR | Headquarters Regulation |
| IACHR | Inter-American Commission on Human Rights |
| ID | Intelligence Division |
| IG | Inspector General |
| IIR | Intelligence Information Report |
| IMET | Internal Military Education and Training |
| INR | Intelligence and Research |
| INS | Immigration and Naturalization Service |
| INTEL | Intelligence |
| INTELL | Intelligence |
| IOB | Intelligence Oversight Board |
| IR | Intelligence Report |
| JICPAC | Joint Intelligence Center Pacific |
| JSOC | Joint Special Operations Command |
| LA | Latin America |

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|---|--|
| LAD | Latin America Division |
| LT | Lieutenant |
| MAJ | Major |
|  |  |
| MFR | Memorandum for the Record |
| MI | Military Intelligence |
|  |  |
| MOD | Minister of Defense |
| MST | Mobile Search Teams |
| MZ | Military Zone |
| NACIC | National Counterintelligence Center |
| NC | North Carolina |
| NCO | Non-commissioned Officer |
| NFI | No Further Information |
| NID | National Intelligence Daily |
| NIO | National Intelligence Officer |
| NPIC | National Photographic Interpretation Center |
| NSA | National Security Agency |
| OAS | Organization of American States |
| OCA | Office of Congressional Affairs |
|  |  |

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OGC

Office of General Counsel

OIC

Officer in Charge

OIG

Office of Inspector General

OMS

Office of Medical Services

OP

Operations

OP

Office of Personnel

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

ORPA

Organization of People in Arms

[REDACTED]

[REDACTED]

PCS

Permanent Change of Station

PGT

Guatemalan Worker's Party

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

ROI

Report of Investigation

RPC

Campesino Resistance

SOP

Standard Operating Procedures

SOUTHCOM

U. S. Military Southern Command

[REDACTED]

[REDACTED]

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[REDACTED]

SSCI

STU

[REDACTED]

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TST

UN

URNG

US

USCINCPAC

USCINCSO

USCINCSOC

USDAO

USG

USUN

[REDACTED]

Senate Select Committee on Intelligence

Secure Telephone Unit

[REDACTED]

[REDACTED]

[REDACTED]

Technical Support Teams

United Nations

Guatemalan National Revolutionary
Union

United States

United States Commander-In-Chief Pacific
Command

United States Commander-In-Chief
Southern Command

United States Commander-In-Chief
Southern Command

United States Defense Attaché's Office

United States Government

United States United Nations

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GLOSSARY OF PLACES

| | |
|----------------------|---|
| Altiplano | Region in Guatemala where Everardo was supposedly operating in 1990. |
| Atitlan Volcano Area | Location in Guatemala where ORPA unit commanded by Bamaca was said to be operating in 1985. |
| Chiapas | State in Mexico where MOD Enriquez during a meeting with U.S. Ambassador speculates that Bamaca may be living with an ORPA unit. |
| Coatepeque | Town in Southwest Guatemala located in San Marcos Department and Military Zone 18. Bamaca was allegedly captured near Coatepeque in March 1992. |
| Coban | Town in Central Guatemala where Galvez Pena was assassinated |
| Peten Department | Department of Guatemala near the Belize border. |
| Flores | Capital of Peten Department. |
| LaMontana Rusa | Area between Poptun and Guatemala City. DeVine's body was discovered on a highway in this area. |
| Malacatan | Town in San Marcos Department. |
| Military Zone 10 | Jutiapa Department. |
| Military Zone 13 | Cuyotenango Department. |

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| | |
|-----------------------|---|
| Military Zone 18 | San Marcos Department. |
| Military Zone 20 | Quiche Department. |
| Military Zone 23 | Peten Department. |
| Nuevo San Carlos | Region in Retalhuleu Department where Guatemalan Government claimed Bamaca was killed in March 1992. |
| Poptun | Town in Guatemala near DeVine's farm. Location of Special Forces (Kaibil) Training Base commanded by Alpirez in June 90. |
| Quetzaltenango | Department where [REDACTED] said Bamaca died on slopes of a small volcano and was subsequently thrown in. |
| Quiche | Department in Northern Guatemala where Bamaca was allegedly killed. |
| Retalhuleu | Location in Military Zone 18 where exhumation took place. Remains of Bamaca were reportedly there and exhumation took place in October 1993. According to Harbury, the body was not Bamaca. |
| Santa Ana Berlin | Military base at Coatepeque in Quetzaltenango Department where Santiago Cabrera says he first saw Bamaca in captivity in March 1992. |
| San Marcos Department | San Marcos capital of San Marcos Department, location of MZ-18 Headquarters. |
| Santa Elena | Town neighboring Flores in Peten Department, location of MZ-23 Headquarters. |

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Santiaguito Atitlan

Small volcano in Quetzaltenango Department where according to [REDACTED] Bamaca was killed.

Southern Air Base

Air Base in Retalhuleu where guerillas had supposedly been interrogated, killed and buried.

Suchitepequez

Military Zone in Southwestern Guatemala where a [REDACTED] speculated that Bamaca had actually been captured in March 1992, interrogated a number of times, and killed.

Zapatista

Mexican Guerilla unit in Chiapas, Southern Mexico. Bamaca was said to be with an ORPA unit which was working with the Zapatista in Southern Mexico.

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*Central Intelligence Agency
Inspector General*

REPORT OF INVESTIGATION



GUATEMALA: 1984-1995

ALLEGED HUMAN RIGHTS ABUSES
CONCERNING SELECTED U.S. PERSONS AND MYRNA MACK

(95-0152-IG)

September 15, 1995

*Frederick P. Hitz
Inspector General*

*A. R. Cinquegrana
Deputy Inspector General
for Investigations*

Investigators



Assistants



APPROVED FOR RELEASE
DATE: DEC 2001

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*OFFICE OF INSPECTOR GENERAL
INVESTIGATIONS STAFF*

REPORT OF INVESTIGATION

GUATEMALA: 1984-1995

**ALLEGED HUMAN RIGHTS ABUSES
CONCERNING SELECTED U.S. PERSONS AND MYRNA MACK
(95-0152-IG)**

September 15, 1995

INTRODUCTION

1. On March 30, 1995, the President directed the Intelligence Oversight Board (IOB) to conduct a government-wide review of all allegations surrounding the 1990 death of Michael DeVine and the 1992 disappearance of Efrain Bamaca Velasquez in Guatemala, as well as any related matters. As a result of the President's direction, on April 7, 1995, the IOB issued Terms of Reference outlining the scope of the review to the Inspectors General at the CIA, Department of State, Department of Defense, and Department of Justice.

2. On July 15, 1995, the CIA Office of Inspector General (OIG) completed an investigation that examined what information was available to CIA concerning the killing of U.S. citizen Michael DeVine and the disappearance of Guatemalan insurgent leader Efrain Bamaca, [REDACTED]

[REDACTED]

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[REDACTED] The investigation also dealt with allegations that the CIA was concealing documents by sending them to former employees.

3. The IOB's initial Terms of Reference also asked the CIA's OIG to look into what intelligence was available to CIA regarding U.S. citizens who may have been subjected to human rights abuses in Guatemala since 1984. Specifically, the Board identified the following individuals for review: Peter Wolfe, Nicholas Blake, Griffith Davis, Dianna Ortiz, Peter Tiscione, Meredith Larson, Josh Zinner, June Weinstock, and Daniel "Sky" Callahan. Subsequently, the Board requested that the CIA/OIG inquiry include Myrna Mack, a Guatemalan anthropologist who was murdered in Guatemala in 1990.

4. This Report includes the results of the CIA OIG investigation concerning the individuals designated by the IOB. It describes Agency and non-Agency reporting relating to these individuals, [REDACTED] and the dissemination of the relevant Agency Directorate of Operations (DO) and Directorate of Intelligence (DI) reports. It also addresses what key Agency personnel recall regarding CIA reporting relating to these individuals, and whether there is any evidence that CIA employees or assets were directly or indirectly involved in the death, disappearance, or abuse of these individuals.

5. This Report represents the first of three Reports that are responsive to portions of the IOB's Terms of Reference that were not covered in the investigation that was completed on July 15. The second Report will explore whether CIA activities were consistent with presidential directives and decisions [REDACTED]

[REDACTED] third Report will examine [REDACTED] information available to the Agency concerning human rights abuses [REDACTED]

BACKGROUND

The Setting

6. Central America. From the mid-1980's through the early 1990's, the CIA's activities in Central America took place within the context of wars in Nicaragua and El Salvador that spilled over into Honduras; a real, though diminishing, threat of Cuban subversion; and a long civil war in Guatemala. The Agency engaged in foreign intelligence collection [REDACTED]

[REDACTED] By the 1990s, the wars in Nicaragua and El Salvador had ended and peace negotiations were underway to end the diminishing civil war in Guatemala.

7. Guatemala. Within Guatemala, politically inspired violence was common.¹ Military-civilian relations were tense.

- ♦ During this period, all factions of Guatemala's political spectrum used violence to further their political and economic interests. Far-right groups, in league with rogue elements of government security forces, were responsible for bomb attacks in Guatemala City and used assassinations to destabilize the Guatemalan Government. The leftist insurgency also engaged in economic sabotage, extortion and murder of military commissioners to bolster its political fortunes. Moreover, prior to the 1990 presidential election, political parties engaged in kidnapping, assault and robbery to raise campaign funds and settle political feuds;

¹ This violence goes back decades. For example, the insurgents are thought to have been responsible for the 1968 assassination of U.S. Ambassador Gordon Mein.

- ◆ Guatemala's emergence as a narcotics transshipment and production center contributed to the deteriorating security situation;
- ◆ Military perceptions of government paralysis in the face of escalating violence and labor strife, as well as the weak civilian response to the insurgency, triggered two abortive coups during President Vinicio Cerezo Arevalo's administration (1986-1991); and
- ◆ In 1993, instability took the form of an effort by then President Serrano to expand his power by suspending the Guatemalan constitution. This effort collapsed and led to the appointment in June 1993 of Ramiro De Leon Carpio to replace Serrano.

8. **The Guatemalan Military.** Under Article 244 of the Guatemalan Constitution, the Guatemalan military is the guarantor of the nation. By long-standing practice, the officer corps serves as guarantor of its own status and position. The overwhelming majority of the roughly 2,000 officers in the Guatemalan military enter through the military academy and usually progress in rank by their class. As a corps, they support their classmates and friends and they support the military institution against external challenge. The senior officers in the Guatemalan military today were often field officers during the period of heaviest fighting and worst human rights abuses prior to 1985. Those senior officers are particularly sensitive to human rights charges against their colleagues, in part because many of the senior officers themselves engaged in questionable conduct as field officers.

9. **The Directorate of Intelligence (D-2) of the Guatemalan National Defense Staff** is the national intelligence organization of the Guatemalan Government. Through (a) its headquarters in Guatemala City, (b) staff officers (G-2) in regional military Commands, and (c) intelligence officers (S-2) at the base or local level, the D-2 collects and analyzes information on armed insurgency

groups, narcotics traffickers, opposition political parties, potential regional adversaries, and other issues. G-2 officers are under the command of their respective military zone or base commanders but also report directly to the D-2 in Guatemala City. D-2 collection capabilities include an informant network, interrogation of captured insurgents, as well as technical collection and investigative and surveillance teams.

10. D-2 officers are generally selected from the best military academy graduates or particularly capable field officers. The core of the D-2 is composed of officers who spend their careers in intelligence and consider themselves the elite of the Guatemalan military.

11. Another important intelligence organization with links to the military and the D-2 was the Department of Presidential Security (DSP), commonly referred to as the "Archivos," or Presidential Security Service. This organization, made up largely of military--including D-2--personnel, reported directly to the President and the Presidential General Staff. In 1993, the DSP was disbanded and replaced by a smaller Center for Analysis. This organization was to be an interim intelligence organization until a civilian-led national intelligence organization could be established. The DSP and its successor are significant because U.S. policy was to promote a democratically-oriented intelligence service

[REDACTED]

Guatemala City Station's Roles and Missions

12. [REDACTED]

13.

[REDACTED]

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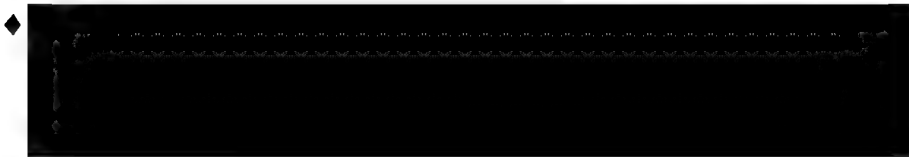
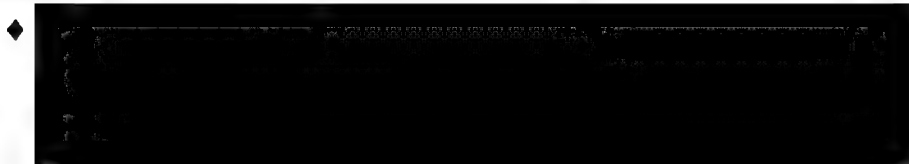
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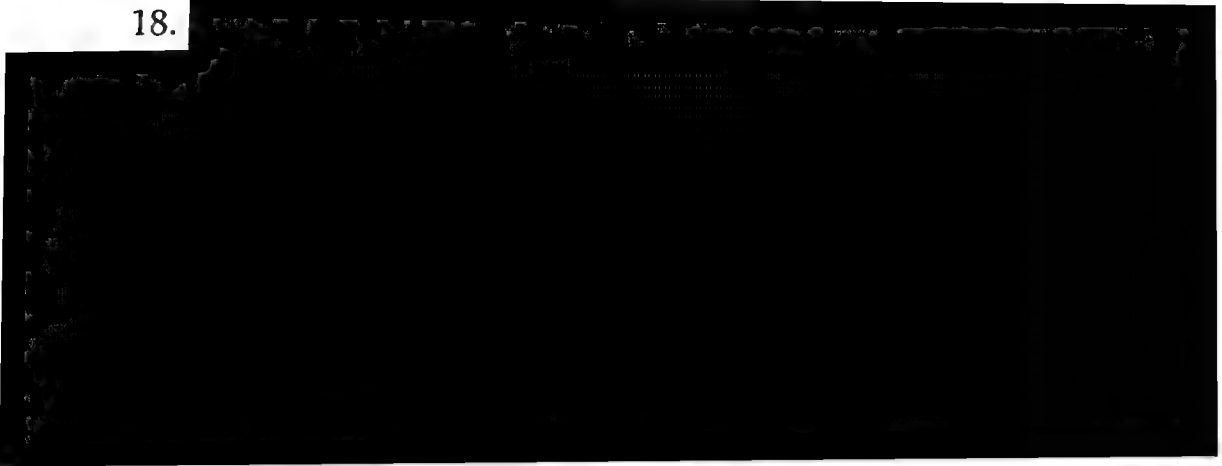


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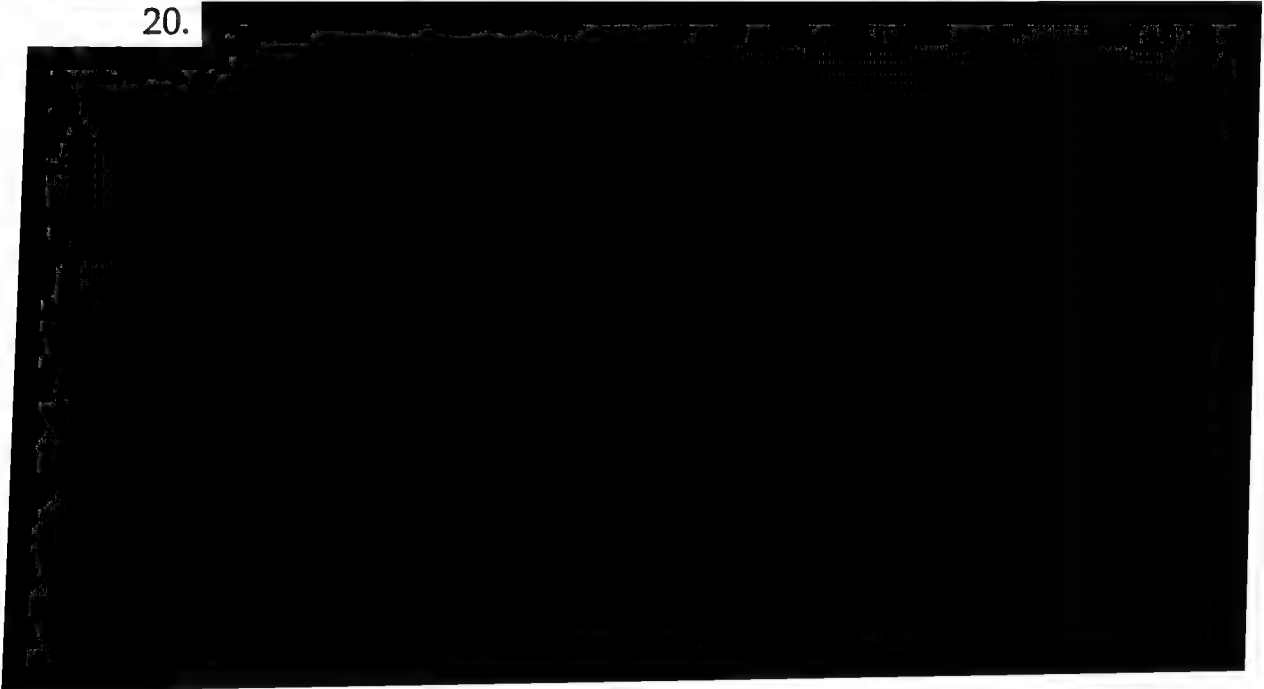
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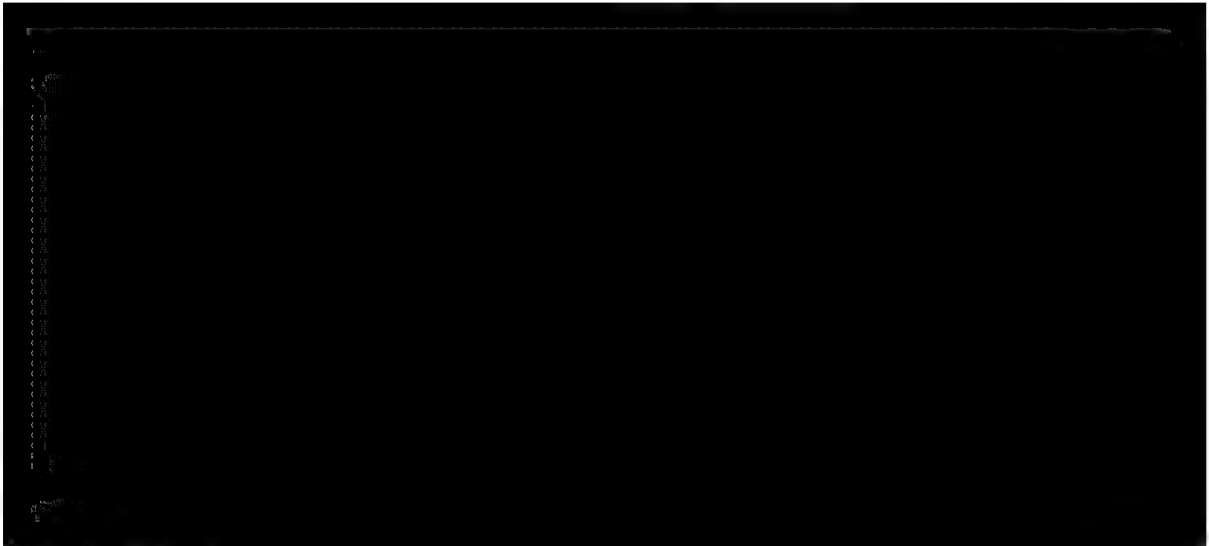


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21. Station Missions.





Factual Summary

22. This Report deals with ten alleged victims of human rights abuse by Guatemalan officials. Nine of these individuals were Americans—Peter Harper Wolfe, Nicholas Blake, Griffith Davis, Dianna Ortiz, Meredith Larson, Josh Zinner, Peter Tiscione, June Weinstock, and Daniel Callahan. One, Myrna Mack, was a Guatemalan citizen. Some of these individuals were reportedly attacked, abducted or tortured; others were murdered. The events in question began in Guatemala in 1984 with the murder of Peter Wolfe, a Peace Corps volunteer, and end with Daniel Callahan, a Texas filmmaker, who was attacked in July 1995.

23. On October 28, 1984, Peter Harper Wolfe, a Peace Corps volunteer, was shot to death on a Guatemala City street. Wolfe was reportedly working with citizens groups and the Guatemalan Government to establish a national park system at the time. According to Wolfe's brother, John, a Guatemalan court released the two prime suspects in the murder just days after one of them confessed to the crime.

24. Nicholas Blake, a journalist, and Griffith Davis, a photographer, were last seen alive on March 29, 1985, near the community of El Llano, in northwestern Guatemala. Blake was planning to write a story about a rebel force, the Guerrilla Army of

the Poor, that was active in the province of Huehuetenango. Davis was his photographer. Blake's family claims they were unable to determine what happened to their son for seven years due to resistance by officials of the Guatemalan Government. The Blake family reportedly undertook an investigation at its own expense, making approximately 20 trips to Guatemala. In the course of the investigation, family members spoke with numerous officials who promised assistance but never responded. The family's investigation led to the recovery of the two men's remains in June 1992. The Guatemalan Government initially claimed the two men were killed by the guerrillas. Blake's relatives, however, claim that witnesses have told them that members of the local civil patrol, an arm of the Guatemalan military, considered the men to be guerrilla sympathizers and killed them.

25. Dianna Ortiz, an Ursuline nun, was staying in Antigua, Guatemala when she was reportedly abducted, raped and tortured on November 2, 1989. She claims to have over 111 cigarette burns on her back and to have been lowered into a pit with cadavers and rats. She reports to have been rescued from a torture cell by someone she believes to be an American. The American, she says, told her he would take her to the residence of a "friend of the American Embassy." While riding in his vehicle, she says she was able to jump out and run for help. The man Ortiz claims to have rescued her has never been identified. Nor have the three Guatemalans who allegedly tortured her.

26. Meredith Larson and two other individuals were stabbed by unidentified assailants in Guatemala City. Larson and two other individuals--both Canadian citizens--were members of the Peace Brigades International (PBI) and were walking toward the Peace Brigades residence on the evening of December 20, 1989 when they were attacked. According to the Embassy, all three individuals were treated at a local hospital and released. The three victims believe that the attack was a deliberate attempt to frighten members of the PBI.

27. According to the press, in 1990, Josh Zinner, a social worker and former resident of Washington, D.C., was working with homeless children in Guatemala City when he was assaulted by gunmen and dragged toward a waiting car. The Guatemalan police intervened but released the assailants, who were said to display military identification.

28. Myrna Mack, a Guatemalan anthropologist, was stabbed to death on September 11, 1990 in Guatemala City. Mack had been researching issues affecting displaced persons in the Quiche and Huehuetenango Departments. She was working for the Guatemala City based Association for the Promotion of Social Studies (AVANSCO). A former Army sergeant, who was assigned to the Presidential General Staff's Department of Presidential Security at the time of the killing, was convicted of the murder and was sentenced to 25 years on February 12, 1993 for the murder. Helen Mack Chang, the victim's sister, has been a crusader for justice in her sister's murder case. Helen Mack continues to press for identification of those she alleges ordered the surveillance and killing of her sister.

29. Peter Tiscione, also an anthropologist, initially conducted research in Guatemala in 1976 while a student at the State University of New York. He returned to Guatemala in July 1992 to study Mayan pottery. Tiscione reportedly committed suicide in his Guatemala City hotel room on August 23, 1992. He died of four wounds to his neck caused by a machete. The Guatemalan police concluded that Tiscione had committed suicide because the machete found at the scene had his fingerprints on it, his hotel room door had been locked from the inside at the time of his death, there were no apparent signs of a struggle or theft, and all blood samples found in the room matched Tiscione's. Tiscione suffered from manic depression and made calls to the Embassy just before his death indicating a need for medication.

30. On March 29, 1994, June Weinstock, a journalist and environmentalist from Fairbanks, Alaska, reportedly touched a boy's head after taking photographs of children at a market in the

northeastern Guatemalan town of San Cristobal Verapaz. When a peasant woman shouted that her son had disappeared, the crowd gathered and began to beat Weinstock. Weinstock was stripped, stoned, stabbed repeatedly, then left for dead. The crowd of Guatemalan citizens accused Weinstock of abducting a child for the purposes of extracting vital organs in support of organ trafficking in Guatemala. Army personnel arrived nearly six hours after the incident began, and police later took Weinstock to a hospital. Her skull was partially destroyed and she has suffered brain damage. More than 50 Guatemalans were reportedly arrested for the attack.

31. Daniel "Sky" Callahan, a Texas filmmaker working on a documentary detailing civil rights violations, was attacked twice in Guatemala City. The first attack occurred on July 4, 1995, when he was hit with a baton by a Guatemalan soldier while filming protesters in the main plaza in Guatemala City. The second attack occurred on July 7, 1995, when attackers abducted and beat him. He was warned to leave Guatemala or "bad things" would happen to him.

PROCEDURES AND RESOURCES

32. Following completion on July 15, 1995 of the first phase of the Inspector General's investigation into Agency activities in Guatemala, ten Investigators and two support personnel were assigned to undertake a second phase. Four Investigators were involved in this portion of the second phase. Approximately 30,000 pages of Agency and non-Agency documents concerning Guatemala were reviewed. This included relevant DO and DI files, as well as

[REDACTED] and Information Management Staff files and Office of Congressional Affairs files. Selected current and former CIA officials as well as a former Ambassador of Guatemala were interviewed. Nineteen current and former CIA officials, as well as a former Ambassador, were interviewed for this phase of the investigation. During the first phase, over 200 interviewees were asked about their knowledge concerning the individuals under

review, with the exception of Myrna Mack and Daniel Callahan. At the time, Mack was not included in the IOB tasking and the Callahan incident had not occurred. Attempts were made to interview Ortiz, but they were unsuccessful.

QUESTIONS PRESENTED

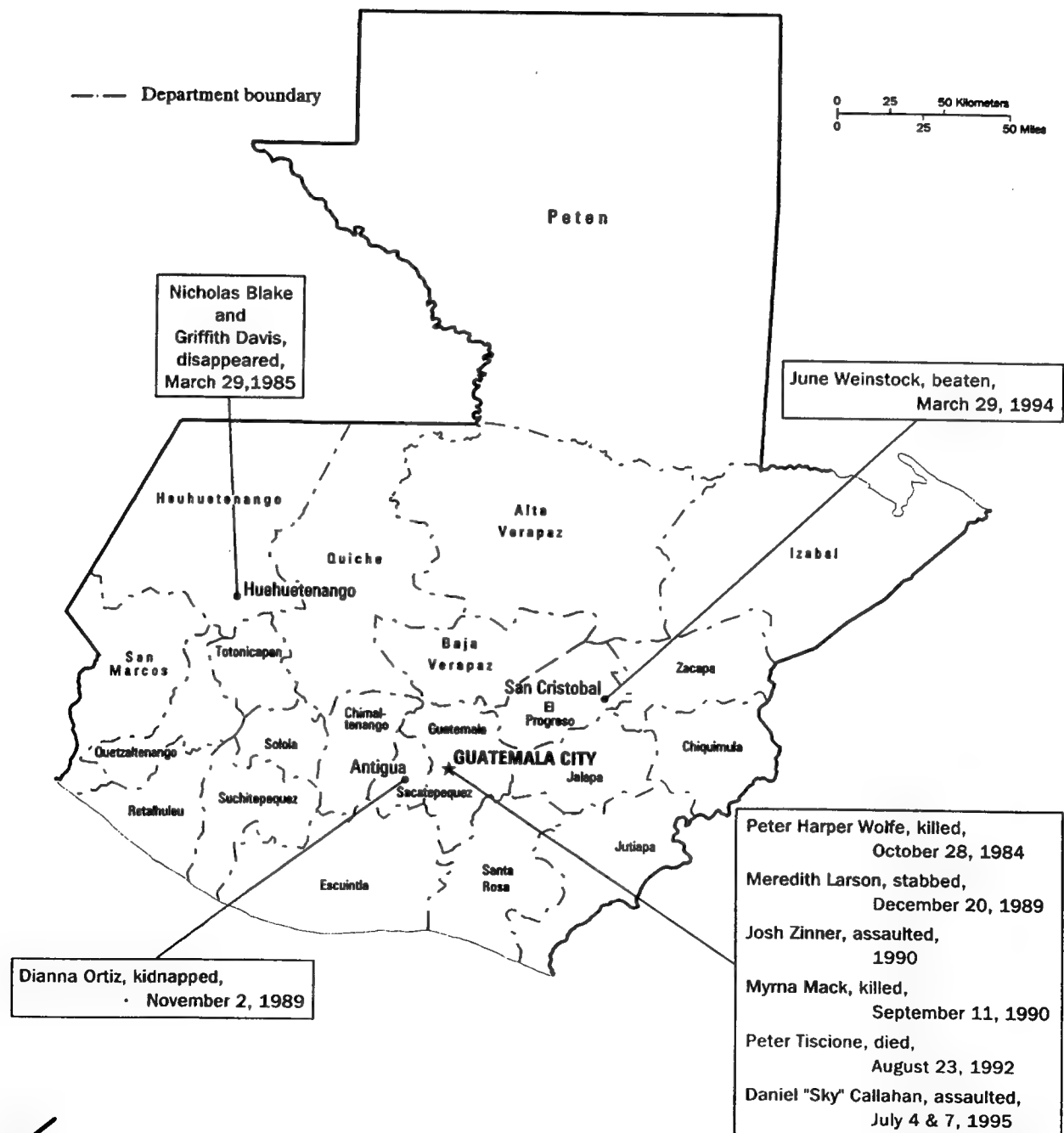
- ◆ What information was available to the CIA between January 1, 1984 and July 31, 1995 concerning certain human rights abuses? How was that information handled? What do CIA personnel recall regarding that reporting?
- ◆ Is there any evidence that CIA employees or assets were directly or indirectly involved in the deaths, disappearance or abuse of these individuals?
- ◆ What are the facts and circumstances surrounding the Draft Cable from Guatemala City Station entitled "Station Investigation of Human Rights Violations" in Guatemala, dated October 15, 1991? What information did it contain that pertained to human rights abuses against Ortiz and Mack? Was the cable ever transmitted to Headquarters? What do individuals involved recall about the issue?
- ◆ What were CIA's responsibilities for congressional notification concerning these matters? Was information regarding the fate of the nine U.S. citizens and Mack shared with the congressional oversight committees?

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Guatemala: 1984-95

Alleged Human Rights Abuses Concerning Selected US Persons and Myrna Mack



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Chronology of Significant Events

| 1984 | |
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| October 28 | Peter Harper Wolfe, Peace Corps volunteer, is shot and killed on a Guatemala City street. Shortly afterward, two Guatemalan citizens are determined to be guilty of the crime. Police suspect robbery was the motive. |
| 1985 | |
| March 29 | Nicholas Blake, a journalist, and Griffith Davis, a photographer, are last seen alive near the community of El Llano, in northwestern Guatemala. |
| 1989 | |
| November 2 | Dianna Ortiz, an Ursuline nun, staying in Antigua, Guatemala, claims to have been abducted, raped and tortured. She reports to have been rescued the next day by someone she believed to be an American because of his accent. |
| November 4 | Ortiz departs Guatemala for the U.S |
| December 20 | Meredith Larson and two Canadians are stabbed by unidentified assailants in Guatemala City. Larson and the two Canadians are members of the Peace Brigades International. |
| 1990 | |
| March 15 | Guatemalan Minister of Interior Morales and the Guatemalan police conclude that Ortiz's kidnapping was a fabrication. |
| Date unknown | Josh Zinner, a social worker, reportedly is assaulted by gunmen and dragged towards a waiting car. He is released when the Guatemalan police intervene. |
| September 11 | Myrna Mack, a Guatemalan anthropologist, is stabbed to death in Guatemala City. |
| November 7 | Helen Mack Chang, Myrna Mack's sister, tells the Embassy's Deputy Chief of Mission that she believes her sister was killed by someone close to, or a member of, the Guatemalan security forces. |

1991

| | |
|-------------|--|
| July 5 | Guatemalan judge issues a warrant for the arrest of former Army Sergeant Noel de Jesus Beteta Alvarez for the murder of Myrna Mack. |
| October 15 | Draft Station report indicates [REDACTED] substantiated Ortiz's claim that she was kidnapped. |
| November 29 | Beteta is arrested in Los Angeles by the Los Angeles Police Department. |
| November 30 | Helen Mack Chang's uncle, Augusto Chang, is kidnapped in Guatemala. |
| December 4 | Beteta is returned to Guatemala but denies murdering Mack. Augusto Chang is freed unharmed by kidnappers. |
| December 10 | Mack family tells Ambassador Thomas Stroock of concerns for personal safety. Myrna Mack's father states he believes the kidnapping of Augusto Chang and the murder of his daughter are linked. |

1992

| | |
|-----------|---|
| June 17 | According to the Embassy, Blake family members recover the remains of Nicholas Blake and Griffith Davis. The Embassy comments that the two men were murdered by the civil patrol and not by guerrillas. |
| July 7 | Ambassador Stroock testifies at a Guatemalan court hearing on the alleged abduction and torture of Ortiz. |
| August 23 | Peter Tiscione dies of four wounds to the neck caused by a machete. He suffered from manic depression and had depleted his supply of medication. Guatemalan police rule the death a suicide. |

1993

| | |
|-------------|---|
| February 12 | Noel de Jesus Beteta is convicted of Mack's murder and sentenced to 25 years in prison for the crime. |
|-------------|---|

1994

March 29 June Weinstock is attacked by a mob in the northeastern Guatemalan town of San Cristobal Verapaz. She was taking photographs of children and touched a young boy's head just prior to the attack. She is critically injured and suffers brain damage.

1995

March 10 State Department cancels participation by Guatemalan military personnel in the International Military Education and Training programs in the U.S. for the remainder of 1995 due to concern over a lack of progress on various human rights cases, including the Mack case.

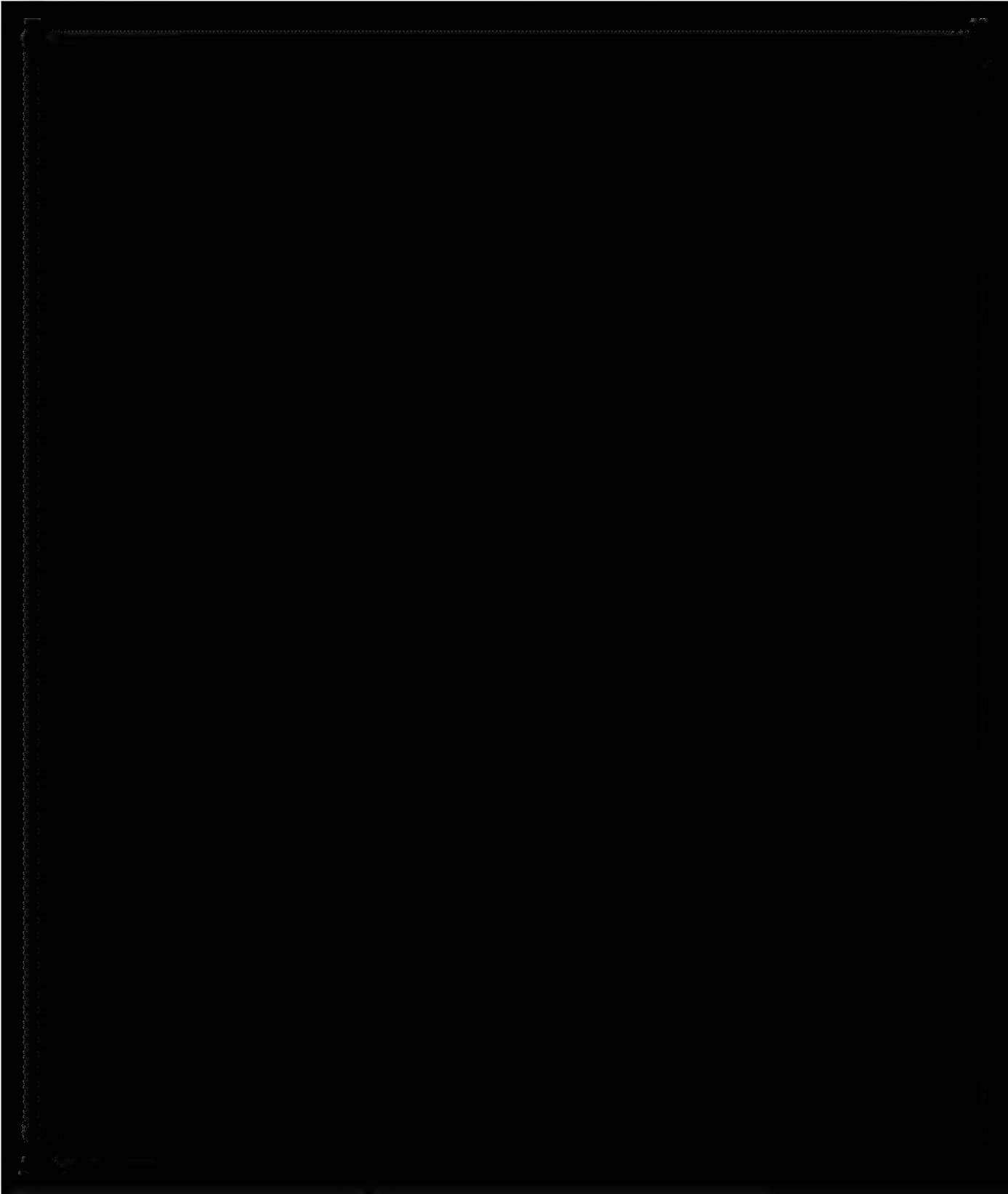
April 12 U.S. court finds former Defense Minister Gramajo liable for authorizing the torture of Ortiz and others in Guatemala. Monetary damages awarded to the victims total \$47.5 million.

June 12 The Embassy reports that Guatemalan Chief Prosecutor Ramses Cuestas advises of his intent to proceed with the investigation into Wolfe's murder.

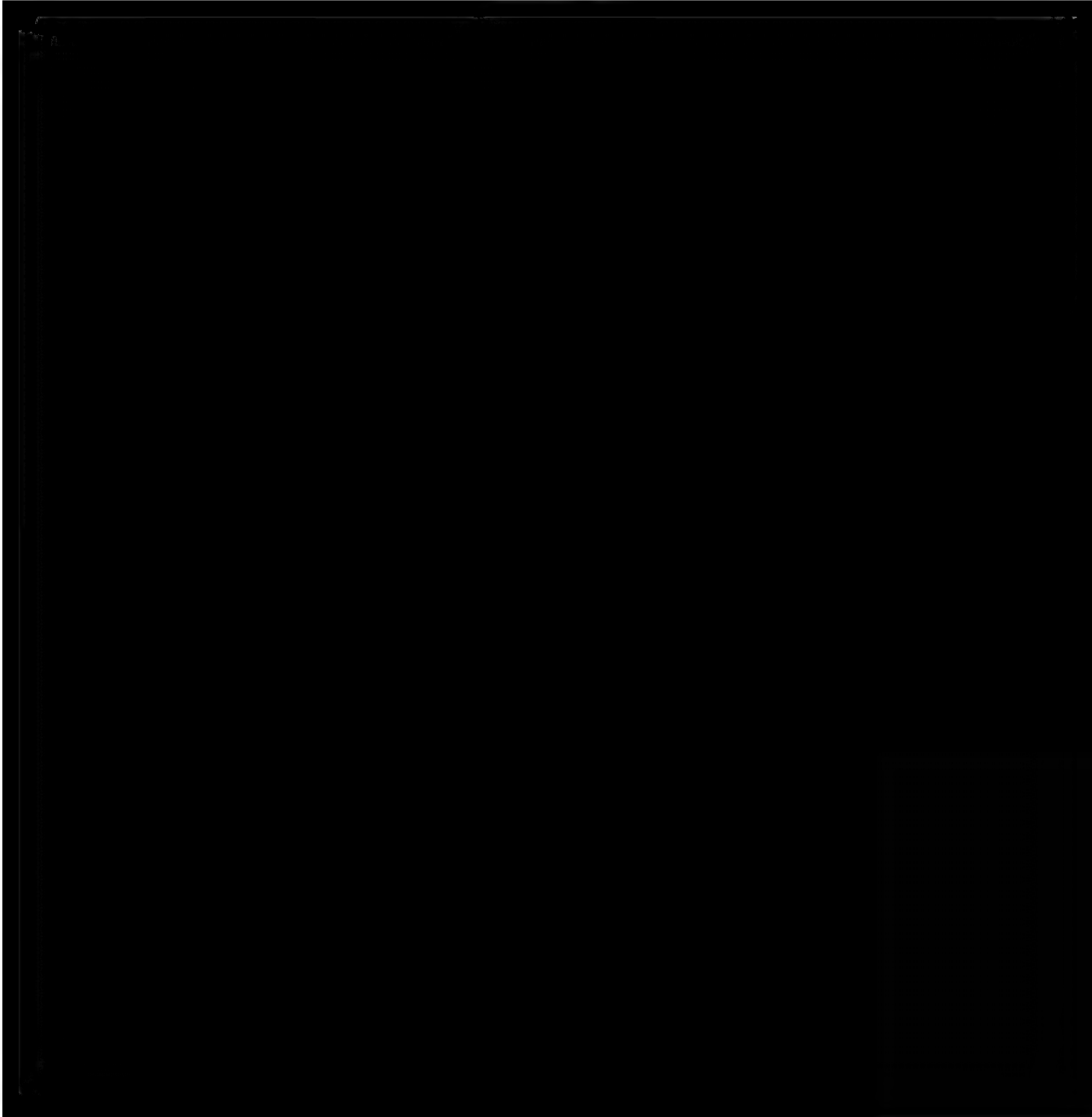
July 4 & 7 Daniel "Sky" Callahan is attacked twice in Guatemala City. He is hit by a soldier with a baton. Four days later he is abducted and assaulted.

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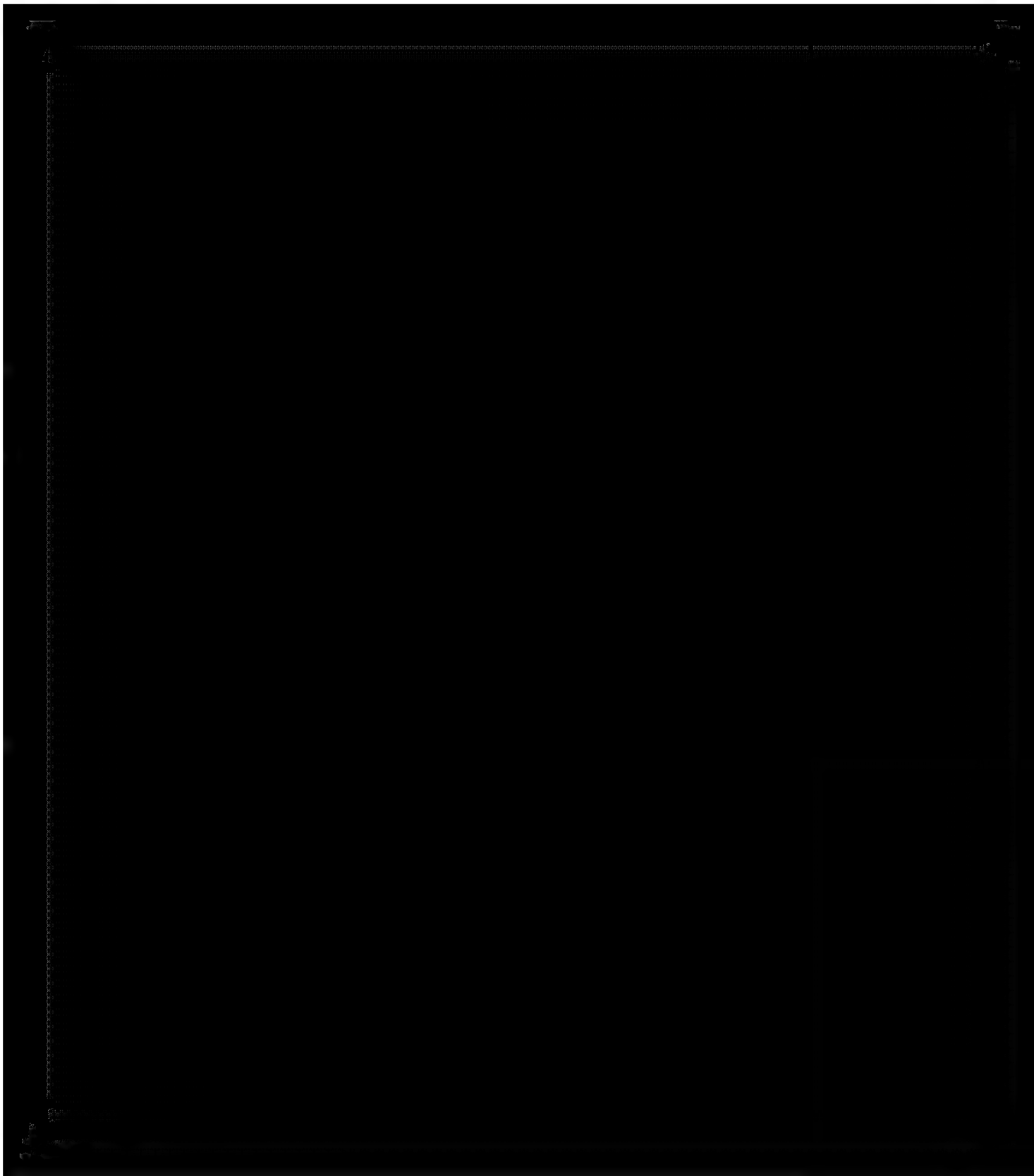
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FINDINGS

WHAT INFORMATION WAS AVAILABLE TO THE CIA BETWEEN JANUARY 1, 1984 AND JULY 31, 1995 CONCERNING CERTAIN HUMAN RIGHTS ABUSES? HOW WAS THAT INFORMATION HANDLED? WHAT DO CIA PERSONNEL RECALL REGARDING THAT REPORTING?

THE DEATH OF PETER WOLFE

33. Peter Harper Wolfe, a Peace Corps volunteer, was shot to death on October 28, 1984, in Guatemala City. At the time, he was reportedly working to establish a national park system. Boris Rene Acosta Diaz and Julio Cesar Gramajo Castillo were accused of his killing but never brought to trial. Early on, the Embassy tried to persuade Guatemalan Officials to bring the accused individuals to trial. In an attempt to better address the case, the Embassy hired Alfredo E. Lurssen Barrios, a Guatemalan Attorney, to review the Government's handling of the matter and render legal advice. Barrios' review indicated that the police investigation was deficient, as were the legal proceedings that evaluated the evidence. Recent State reporting indicates a renewed interest in the case and that the Embassy had spoken with the Guatemalan Chief Prosecutor about locating the case records.

CIA Reporting

34. DO records included no information regarding Wolfe. A search of other Agency records revealed that the DI disseminated two items that appear to refer to Wolfe's murder.

35. **October 30, 1984 Latin America Brief.** This edition of a widely disseminated DI/Office of Current Production and Analytic Support periodic intelligence summary addressed increasing violence in Guatemala, among other topics, and suggested that the murder of a "U.S. Peace Corps volunteer" could be an attempt by leftists to embarrass the Guatemalan Government. Police suspected robbery as the motive. The perpetrators of the murder were not linked to any

political faction although previous information indicated guerrillas were planning to increase terrorism. This Latin America brief was disseminated to, among others, State, Defense Intelligence Agency, Treasury Department, and U.S. military components.

36. **December 18, 1984 Sanitized Terrorism Review.** This extracted article was based upon a DI/Office of Global Issues biweekly intelligence summary entitled Terrorism Review. A number of recent killings in Guatemala were highlighted, including the finding of a "slain U.S. Peace Corps volunteer" on October 28. Police arrested a young Guatemalan for the crime. He indicated the killing was an accident. Although inconsistencies were found in the Guatemalan's story, political overtones were not apparent. The distribution of the extract is uncertain although it appears to have been forwarded to overseas stations.

37. CIA files contain no CIA reporting relating to Wolfe's death for the period from August 1985 through June 1995.

Other Reporting

38. CIA records contain one Foreign Broadcast Information Service (FBIS) document and 17 State telegrams that were produced during the period of December 1984 through July 1995. These documents detailed State's efforts to bring Boris Rene Acosta Diaz and Julio Cesar Gramajo Castillo to trial for the Wolfe murder. Those efforts included the hiring of private counsel and seeking intervention by various Guatemalan Government officials. A July 1995 report indicated that neither Acosta or Gramajo were brought to trial and that it was believed that Acosta had been killed in a 1987 motorcycle accident and that Gramajo's ten year U.S. visa had been revoked due to an outstanding arrest warrant.

- ◆ **October 29, 1984 FBIS Report.** The FBIS report summarized Havana International Service's transmission concerning the Wolfe death in a northern sector of Guatemala City. It indicated that the incident was confirmed by the Peace

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Corps but not the U.S. Embassy. Wolfe was reported to be the sixth person to die since a rightist deputy was shot to death.

- ◆ **December 4, 1984 Embassy Telegram.** The Embassy reported that Acosta was released from custody as police could not produce a weapon or an eyewitness to the murder. The American Chargé made it known to Guatemalan officials that the case should be handled in accordance with the law. The autopsy and investigative reports were not received by the Embassy.
- ◆ **December 5, 1984 Embassy Telegram.** The Embassy advised of a conversation with the judge who released Acosta. The judge advised that no one was present to represent Wolfe, the police were ill prepared, and there was not enough evidence to hold Acosta. The judge indicated a need for a formal accuser and stated that this could be done by the Embassy via a diplomatic note.
- ◆ **December 5, 1984 Embassy Telegram.** The Embassy advised that someone must formally accuse Rene Boris Acosta, who was free under court supervision. The Embassy sought guidance on whether it could make the accusation and asked for authorization to hire a Guatemalan attorney.
- ◆ **December 5, 1984 Embassy Telegram.** The Embassy reported on the text of a diplomatic note sent to the Foreign Ministry and noted a lack of information on the matter from the Guatemalan Government.
- ◆ **December 11, 1984 State Telegram.** The State Department in Washington authorized the hiring

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of an attorney to address specific concerns. Previous telegrams reported the father of Wolfe's ex-girlfriend identified Acosta as the perpetrator. Acosta's mother also may be able to corroborate Acosta's culpability. The Department raised the question whether evidence existed to contradict Acosta's self defense alibi.

- ◆ **December 11, 1984 Embassy Telegram.** The Embassy detailed a meeting with the President of the Supreme Court of Justice, Thomas Batres. The Embassy expressed concern relating to the release of Acosta. Justice Batres advised that the release was inappropriate and the first judge was instructed to reissue a detention order. Separate and unconfirmed information from military sources indicated that Chief of Staff General Mejia had already ordered the rearrest of Acosta.
- ◆ **December 13, 1984 Embassy Telegram.** The Embassy detailed a meeting with General Mejia in which it was stated that Guatemala's image was improving, as was its handling of human rights. Mejia indicated a willingness to see justice served in the case but did not wish to become directly involved for fear of being accused of dictatorial actions concerning the judicial system. He suggested meeting with the President of the Supreme Court.
- ◆ **December 13, 1984 Embassy Telegram.** The Embassy detailed a meeting with Foreign Minister Andrade. He suggested continued contact with the President of the Supreme Court. Andrade was reminded of consequences for failure to take appropriate action in the Wolfe case.

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- ◆ **December 13, 1984 Embassy Telegram.** The Embassy documented the Ambassador's contact with the President of the Supreme Court. The Ambassador was advised that the arrest of Acosta was ordered on December 12. The State Department Regional Security Officer (RSO) confirmed that the police were searching for Acosta.
- ◆ **December 18, 1984 Embassy Telegram.** The Embassy documented a meeting with Foreign Minister Andrade. Andrade assured the Embassy that the necessary steps were being taken in the case and that the arrest order had been issued.
- ◆ **December 21, 1984 Embassy Telegram.** The Embassy provided a summary of a confidential report prepared by the Embassy's attorney. It detailed the actions of the National Police and the judicial status of the case. Findings and recommendations were summarized as follows:
The Embassy can be the accuser of Boris Rene Acosta Diaz and Julio Cesar Gramajo Castillo; the Wolfe family empowered the Embassy or a lawyer to act; the prosecutor did not perform his duty at the initial hearing; the Foreign Ministry cannot be the accuser; a diplomatic note will not result in a trial; the investigation was started by the Department of Technical Investigations of the National Police but continued by Second Corps; the police interviewed [REDACTED] who then provided information to identify the perpetrators; Acosta stated he committed the murder during a robbery; the police did not continue to gather evidence; and the accused denied the allegation in court.

- ◆ **December 28, 1984 Embassy Telegram.** The Embassy pointed out findings by its attorney. The attorney found consistent and gross deficiencies in the police investigation and in the magistrate's handling of the case.
- ◆ **January 4, 1985 Embassy Telegram.** The Embassy's attorney advised a trial could be held. Pertinent individuals were probably not interviewed as requested by the RSO. The police believed the arrest had ended the case. The Embassy lawyer found the police investigation deficient as a result of discussions with Wolfe's friends. The Embassy was doubtful Wolfe would attack anyone. Acosta and Gramajo testified that they were elsewhere when Wolfe was killed.
- ◆ **January 7, 1985 Embassy Telegram.** The Embassy provided details of its attorney's qualifications. The date of the murder was October 28, 1984.
- ◆ **July 23, 1985 Embassy Telegram.** The Embassy reported that, in the past year, one U.S. citizen was killed in a violent act. However, the death of Wolfe was a criminal act not related to terrorism.
- ◆ **June 12, 1995 Embassy Telegram.** The Embassy detailed a meeting with Chief Prosecutor Ramses Cuestas. Cuestas advised of his intent to proceed with the investigation of Wolfe's murder, but he believed the entire case file had been burned. The Embassy suggested that a copy might be obtained from the Peace Corps.
- ◆ **July 12, 1995 Embassy Telegram.** The Embassy advised that a ten-year visa for Gramajo, originally issued on March 30, 1995, was revoked. There is

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still an outstanding warrant for his arrest. Acosta reportedly was killed in a 1987 motorcycle accident.

Personnel Recollections

39. CIA personnel did not recall receiving any information from [REDACTED] concerning the death of Wolfe. They also stated they did not have any direct knowledge relating to Wolfe or the circumstances that resulted in his death.

THE DEATHS OF NICHOLAS BLAKE AND GRIFFITH DAVIS

40. Nicholas Blake, a 26-year-old freelance journalist from Philadelphia, Pennsylvania, and Griffith Davis, a 38-year-old amateur photographer from Scranton, Pennsylvania who had resided in Guatemala for three years, were last seen on March 29, 1985. At that time, they were walking in a remote mountain area of El Quiche province, which is located 150 miles northwest of Guatemala City.

41. Blake and Davis traveled to the highlands to investigate a possible story regarding the Ejercito Guerrillero de los Pobres (EGP), the Guerrilla Army of the Poor. The EGP was one of four insurgent groups in Guatemala.

42. The Blake family investigation concluded that the two were detained by a Civilian Action Patrol (PAC) in Los Llanos, a district in Huehuetenango. The PACs are paramilitary groups comprised of civilians but are organized by the Army, which supervises their counterinsurgency operations. Three PAC members killed Blake and Davis for their possessions and because they were suspected of being guerrilla sympathizers.

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43. Seven years later, a military commissioner from the area came forward after being assured by Blake's family that no charges would be filed in return for the remains of Blake and Davis. He said that the bodies of the two men were moved from the site where they had been killed and were burned in order to conceal evidence of the crime. The remains of Davis and Blake were located and identified in 1992.

44. In 1993, Blake's family filed a petition before the Inter-American Commission on Human Rights charging the Guatemalan Government with Blake's murder and a subsequent cover-up. The family alleged that the Guatemalan Government was legally responsible for the Blake and Davis deaths because the PAC was under its command. The Blake family continues to seek financial compensation from the Guatemalan Government.

CIA Reporting

45. DO reporting regarding the Blake/Davis case ranges from May 1985 until December 1994 and consists of [REDACTED] Station Reports³ and [REDACTED] Intelligence Reports. Several Headquarters cables also appear in Agency files. [REDACTED] were unable to provide substantive information on the initial disappearance and deaths of Blake and Davis.

46. **May 9, 1985 Headquarters Cable.** Headquarters requested that the Station check with [REDACTED] for any new developments or information related to the case.

47. **May 10, 1985 Station Report.** The Station reported that, on April 30, 1985, a friend of Blake's who was the owner of a hotel in Antigua reported that he received a card from Blake through the Guatemalan postal system. The card indicated that Blake was alive and well. On May 2, 1985, a private investigator hired by the families of Blake and Davis reported that the friend burned the card for unspecified reasons.

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48. According to the Station Report, Blake and Davis were last seen on March 29 or March 30, 1985 in the village of Llano, El Quiche, near the Department of Huehuetenango in the western highlands of Guatemala. Despite warnings that there were EGP units in the area, Blake and Davis decided to continue on their own and on foot using a route that was not normally patrolled by the Army.

49. On April 27, the Commander of Military Zone 20 (El Quiche) met with relatives of Blake and Davis and pointed out that the EGP units in his area consisted mostly of Indians who did not speak Spanish and who were indoctrinated to believe that all foreigners were witting collaborators of the Guatemalan Government. Furthermore, the Commander noted that these EGP units would kill for a camera or even a pair of pants.

50. On May 10, 1985, [REDACTED] visited the commander of Military Zone 20. [REDACTED] learned that, despite repeated efforts on the part of Army units to locate Blake and Davis, no additional information had been acquired concerning their whereabouts. Neither [REDACTED] the Guatemalan Army, nor the Station and Embassy were able to establish new leads that would shed light on the whereabouts of Blake and Davis.

51. November 22, 1985 Headquarters Cable. Headquarters informed the Station that the U.S. Vice President had made a special request for an update of information on the disappearance of Blake. It was requested that the Station query [REDACTED] sources.

52. November 25, 1985 Station Report. The Station reported that [REDACTED] were queried several times on the status of the Blake case. None provided any information on Blake's fate.

53. According to the Station Report, members of the Blake family accused the Guatemalan Army of either having killed Blake or covering up his death. The Station uncovered no evidence of military involvement in Blake's disappearance.

54. The purpose of Blake's foray into El Quiche was to contact the EGP. Presumably, he expected similar treatment from them as he had received from the Salvadoran guerrillas. However, the guerrillas of the EGP were not the same sort of sophisticated, publicity-seeking types that he probably found among the Salvadoran insurgents. The Station reported that Blake and Davis chose their route into El Quiche deliberately to avoid the Army and they hiked into the middle of an isolated EGP-controlled area for the specific purpose of contacting the EGP. It was likely that they were killed by the EGP. The Station commented that, for some unknown reason, Blake's brothers seemed unwilling to consider that the guerrillas were responsible for his death.

55. **August 6, 1986 Station Report.** The Station referred to an August 3, 1986 New York Times article entitled, "Guatemala Rebels Accused of Slaying American," that noted that members of the Blake family concluded that he and a friend were killed by guerrillas and not the Army as they initially and repeatedly had claimed. The article depicted the EGP as the group responsible for the murders.

[REDACTED]

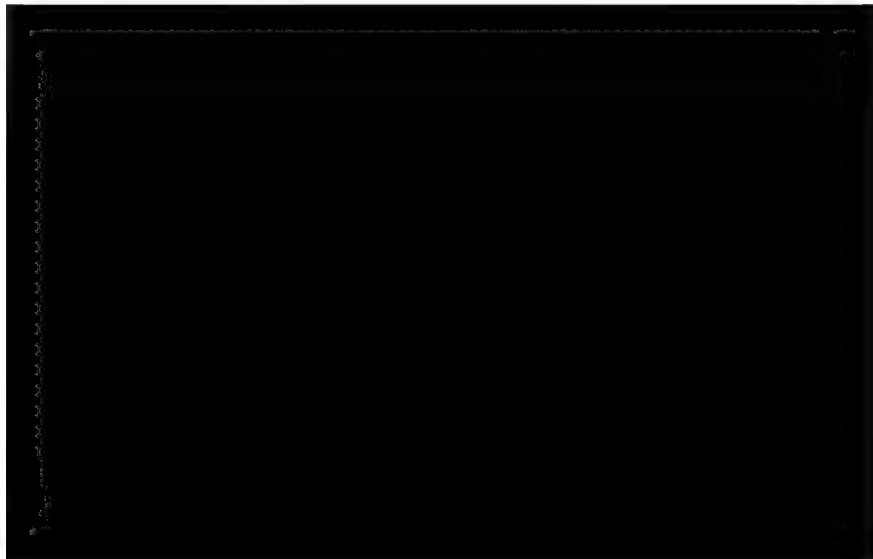
56. [REDACTED]

[REDACTED]

57. [REDACTED]

[REDACTED]

58. **December [REDACTED] 1992 Intelligence Report.** The Station indicated that [REDACTED]



61. December 1994 Intelligence Report. The Station reported that [REDACTED] that President De Leon and the Guatemalan Government were confused with regard to the emphasis being placed by the U.S. Government on the fate of Guatemalan insurgent Efraim Bamaca. [REDACTED] that the Guatemalan Government understood completely the importance that the U.S. Government attached to the investigation of the extrajudicial killings of U.S. citizens Michael DeVine, Blake and Davis. However, the Guatemalans were baffled by the importance being attached to Bamaca, who was a guerrilla-terrorist Guatemalan, not a U.S. citizen.

62. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]
[REDACTED]

63. July 19, 1995 Station Report. Based on [REDACTED] request from Headquarters, [REDACTED] conducted a search [REDACTED] for draft cables related to human rights cases that the Station may not have forwarded to Headquarters. [REDACTED] contained no cables that were not forwarded to Headquarters.

Other Reporting

64. CIA received 18 reports relating to Blake and Davis from the Guatemala Embassy, the Department of State, FBIS, and the Defense Attaché Office (DAO).

- ◆ **April 19, 1985 State Telegram.** State reported that on April 8, a friend of Davis reported to the Embassy that Blake and Davis had not returned from a hiking trip in the Huehuetenango and El Quiche area of Guatemala. They were expected to return on April 3 or 4, according to the friend. Government military units mounted a search of the area.
- ◆ **April 21, 1985 FBIS Report.** FBIS summarized a local newspaper story that Blake and Davis disappeared on April 3 while preparing to climb the Cuchumatanes Mountains, which served as a hideout for guerrilla groups fighting the Army. The two planned a meeting with the "Poor People's Guerrilla Army" (EGP).
- ◆ **April 25, 1985 FBIS Report.** FBIS summarized media comments on the disappearance of Blake and Davis. The Guatemalan President commented that the missing Americans could have been taken hostage by the guerrillas.

- ◆ **May 24, 1985 FBIS Report.** FBIS summarized an article that reflected that the whereabouts of Blake and Davis, who disappeared in a conflict zone, were still unknown.
- ◆ **June 3, 1985 Embassy Telegram.** The Embassy reported that [REDACTED] a security consultant hired by Davis's family, visited the Embassy on May 29 to review recent developments in the case. [REDACTED] said that on May 25, he received a phone call from a female caller who stated that Blake was well. Another source of [REDACTED] said that he had sources in Managua who assured him that Blake was with the EGP and would be released circa July 1.
- ◆ **February 21, 1986 State Telegram.** State reported that Mark Clark, who was with Blake and Davis prior to their trip to the highlands, did not believe that the EGP or the Guatemalan Army would kill two Americans because both groups had enough internal organization and discipline to ensure that their members would not murder foreigners. Clark believed that the local militia killed Blake and Davis and hid the bodies.
- ◆ **February 21, 1989 Embassy Telegram.** The Embassy reported on the issues likely to arise during President Cerezo's visit to the U.S. Cerezo was reminded that Senator Edward Kennedy and President Bush had expressed an interest in the investigation of the Blake/Davis case.

- ◆ **April 4, 1990 State Telegram.** State provided a history of the case: When it was learned on April 8, 1985 that Blake and Davis were missing, the Embassy requested Guatemalan Government assistance. Army patrols were alerted and the Guatemalan Army followed up with a week-long, 450-man search of the area. Embassy officers traveled to the area and air-dropped 4,500 leaflets into the area. In December 1985, Embassy officers returned to the area and interviewed former guerrillas who defected to the Government. In September 1987, an informant alleged that Blake and Davis were killed by members of the local civil patrol. The informant provided the names of seven men who participated in burying the bodies. In March 1990, the Guatemalan Minister of Defense agreed with the Embassy that all seven men should be interviewed. Embassy officers were present when three of the men were interviewed and denied knowledge of the fate of Blake and Davis. The military zone commander planned to interview the other four witnesses by mid April 1990.
- ◆ **April 29, 1990 Embassy Telegram.** Embassy officers traveled to Huehuetenango to be present during the questioning of a civil patrol member who was allegedly involved in the disappearance of Blake and Davis. He initially denied any knowledge of the case but later admitted that he had heard of the disappearance and discussed the matter with other civil patrol commanders.
- ◆ **May 9, 1990 Embassy Telegram.** An Embassy officer accompanied Blake family members to Huehuetenango, where they met the zone commander. The Embassy officer spoke to a civil patrol member who allegedly was involved in the

murders but denied any knowledge of the disappearance of Blake and Davis.

- ◆ **June 17, 1992 Embassy Telegram.** The Embassy reported that Blake family members, accompanied by forensic anthropologists and others, recovered teeth and bones from a site. The Embassy commented that there was no doubt that Blake and Davis were murdered by the civil patrol, and not the guerrillas as was originally suspected. A brother of Blake's believed that they were killed on orders from the military zone commander, although there was no evidence to support his belief. The Blake brothers stated that the family would keep its promise not to seek indictment of the guilty parties.
- ◆ **June 23, 1992 Embassy Telegram.** The Embassy reported that the remains of Blake were positively identified by a Smithsonian medical anthropologist.
- ◆ **August 4, 1992 Embassy Telegram.** The Embassy reported that the remains of Davis and Blake were located in March and June, respectively. Blake's brother wrote a letter to the Ambassador and included new allegations that Guatemalan military officers may have ordered the execution of Blake and Davis. The Embassy requested that the Chief of the Guatemalan Army investigate the allegations.
- ◆ **August 14, 1992 DAO Report.** The DAO reported that Blake's brother alleged that Army Lt. Col. Terraza Pinot was in the same highland village in Huehuetenango as Blake and Davis on the day that the two were murdered by a civil patrol from that area. The Blake brother alleged

that the leadership of the military zone of Huehuetenango, including Lt. Col. Terraza Pinot, may have ordered the civil patrollers to carry out the killings and then participated in the cover-up.

- ◆ **October 27, 1993 State Telegram.** State summarized a complaint filed by Blake's brothers before the Inter-American Commission on Human Rights. The complaint sought several remedies, including a declaration that the Guatemalan Government violated the American Convention on Human Rights when members of a civil patrol killed Blake and Davis, and that it had failed to investigate the killings and prosecute those responsible. The Blake family requested that the Embassy communicate to the Guatemalan Government the family's willingness to discuss settlement directly with the Guatemalan Government.
- ◆ **April 5, 1993 DAO Report.** The DAO reported that, during a social function, a DAO officer explained to the Guatemalan Army Chief of Staff that no civil defense patrol members had been arrested for the murders of Blake and Davis, and the Army was being accused of covering up the involvement of the civil defense patrol members in the case. The Chief of Staff agreed that the Army should try to make some progress in this investigation.
- ◆ **April 7, 1995 Embassy Telegram.** The Embassy reported on a meeting that Ambassador Marilyn McAfee had with the Minister of Defense, who offered little hope of any new action or breakthrough on the Blake/Davis case. The Blake family requested an indemnification of \$800,000 from the Guatemalan Government. The family's

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sworn statements to the civil defense patrol members that no criminal charges would be pursued in return for locating the remains of Blake and Davis made it very difficult to pursue judicial proceedings against the patrol members.

- ♦ **May 11, 1995 Embassy Telegram.** The Embassy summarized the results of a meeting that the Deputy Chief of Mission (DCM) had with the Chief of the Presidential Military Staff on human rights cases. The DCM said that those involved in the murder of Blake and Davis by the El Llano civil patrol of Huehuetenango should be punished.

Personnel Recollections

65. CIA personnel indicated they had no additional knowledge relating to the deaths of Blake and Davis.

THE ALLEGED ABDUCTION AND ABUSE OF SISTER DIANNA ORTIZ

66. Dianna Ortiz resided in Guatemala for two years while teaching indigenous children in Huehuetenango. On November 1, 1989, she traveled to Antigua to attend a religious retreat at the Posada Belen. According to Ortiz, while in the back yard of the Posada Belen on November 2, 1989, two men, one brandishing a hand grenade, kidnapped and forced her to accompany them by bus to Mixco. There they were met by two men in a police car. She was forced into the police car and driven to a building where she allegedly was tortured. She was then thrown into a pit with other torture victims, some already dead. During a subsequent torture episode, an individual by the name of Alejandro appeared on the scene and ordered that Ortiz be released because she was an American. While being transported to someone Alejandro said was a "friend of the American Embassy," she escaped from the vehicle, obtained money from a female passerby, and took a public bus to a travel agency. She then contacted the Maryknoll priests who came

for her. Ortiz visited the Papal Nuncio and departed Guatemala for the U.S. on November 4, 1989.

67. The Station and Embassy reported on the Ortiz case from November 1989 until May 1995. Despite much U.S. and Guatemalan Government interest over the years, the case remains unsolved. As early as November 1989, the Embassy reported that Ortiz's statements regarding the incident were inconsistent and contradictory. She was criticized for being uncooperative with Guatemalan authorities, and this hampered the investigation of her alleged kidnapping. In 1990, the Guatemalan Government concluded that the reported kidnapping of Ortiz was fabricated. At that time, the Embassy was not optimistic about a resolution of the case and determined that the case was inconclusive.

68. In 1991, Ortiz's attorney filed suit in the U.S. against former Minister of Defense General Hector Alejandro Gramajo Morales.

[REDACTED]
[REDACTED] The Guatemalan Government reopened the investigation in 1991 based on pressure from the U.S., but Ortiz continued to be uncooperative and unresponsive to questioning. Her visits to Guatemala in 1991 and 1992 to re-enact the kidnapping were unsuccessful because Ortiz provided little information to assist in the investigation. Her allegations about the kidnapping, rape and torture continued to be vague.

69. In 1992, a U.S. special investigator and a U.S. special prosecutor independently reached the conclusion that inconsistencies in Ortiz's statements made it impossible to determine who may have committed the acts against her. Both also indicated doubt regarding Ortiz's version of events. Ortiz returned to Guatemala again in 1993 and identified 10 police officers who resembled her captors. The Guatemalan Government pursued the leads in an investigation but was unable to make a positive identification of the abductors.

70. Ortiz visited Guatemala twice in 1994. However, the investigation did not progress because of a lack of new information. In 1995 a federal judge in Massachusetts decided in favor of Ortiz and others in their law suit against General Gramajo. The decision was based on the grounds that, as Minister of Defense at the time of the Ortiz kidnapping, he authorized the torture. \$47.5 million was awarded to Ortiz and eight Guatemalans residing in the U.S. who alleged human rights violations by the Guatemalans. As of May 1995, no payment had actually been made to any of the plaintiffs.

CIA Reporting

71. The Ortiz matter was handled primarily by the Embassy's American Citizen Services Section. CIA reporting on the case consisted of six Station Reports and four Intelligence Reports. With one exception, information originated by CIA refutes Ortiz's claim that she was kidnapped, raped and tortured by Guatemalan Government officials. The only report that substantiates Ortiz's claim is a draft cable, dated October 15, 1991, that was found in Station files.

72. **November 7, 1989 Station Report.** The COS met with the Minister of Defense on November 4, 1989. The Minister of Defense noted that the police had requested and been denied an interview with Ortiz. Therefore, a judicial order had been obtained so that Ortiz would be forced to speak to them. The Minister of Defense said that the U.S. could not have it both ways by complaining that the Guatemalan Government does not follow legal precepts and then, when it does, ask that it not do so. The COS agreed, but noted that the religious personnel involved in the case had better access to the U.S. press than did the Guatemalan Government. To pursue the matter in Guatemala would lead to even more unfavorable publicity. The Minister of Defense recommended that the COS speak to the Chief of Police, who agreed to let the matter pass.

73. **October 15, 1991 Draft Station Cable.** According to this draft Station cable, [REDACTED]

[REDACTED] reported that Ortiz had been in contact with


leftist guerrillas and this led to her arrest. He said that Ortiz was in fact kidnapped as she claimed, probably by the S-2 office of Military Zone 302, with headquarters in Chimaltenango. [REDACTED] opined that Ortiz was probably not raped or otherwise mistreated as she claimed, since women were not usually sexually molested and her captors would have killed her had she been subjected to physical mistreatment. Women were sometimes drugged and then released, leaving them disoriented and unable to recall what happened to them. This may, according to [REDACTED] have been the case with Ortiz. Although [REDACTED] was unable to provide further details about Ortiz, he was clear in stating that she, in fact, was kidnapped.

74. This draft cable contained additional information about alleged human rights violations in Guatemala. There is no indication the cable was ever forwarded to Headquarters.

75. December 20, 1991 Intelligence Report. [REDACTED] that Guatemalan President Serrano dismissed former Minister of Defense General Luis Enrique Mendoza Garcia due to Mendoza's continued blocking of the investigations of several human rights cases, including the assault on Ortiz. Serrano hoped that Mendoza's dismissal eventually would help alleviate international pressure on Guatemala regarding the military and human rights issues.

76. The Station sent the information to Headquarters on December 20, 1991 and it was disseminated [REDACTED] on December 21, 1991 to:

U.S. Embassy, Guatemala;
NSA;
State, INR;
DIA;
Treasury;
White House Situation Room; and
USCINCSO.



77. April 9, 1992 Headquarters Cable. Headquarters requested that the Station provide an assessment of the Ortiz story and any information the Station may have regarding the incident.

78. April 10, 1992 Station Report. This report noted that the Station was not involved in Ortiz's current visit to Guatemala. Plans to reconstruct the alleged abduction, torture and rape were aborted because Ortiz became ill. She was scheduled to depart Guatemala on April 10. The Embassy individual with the most knowledge of the case was the political officer who handled the initial report of the incident and the Embassy follow-up. The case was being handled primarily by the Embassy's American Citizen Services Section. The Station report contained the political officer's summary of the case, and included information provided by [REDACTED] who were directly involved in the Guatemalan Government's investigation of the case.

79. [REDACTED]

[REDACTED] and an extensive investigation was undertaken to attempt to identify the police officers allegedly involved in the kidnapping. [REDACTED]

[REDACTED] no evidence was found to support the story told by Ortiz. Upon completion of the investigation, the investigators were convinced that Ortiz invented the story and that senior officials of the Roman Catholic hierarchy in Guatemala collaborated in turning the alleged incident into a political cause.

80. [REDACTED]

81. The Station report commented that neither the Station nor the Embassy found Ortiz's story credible. There were too many contradictions of fact, refusals to cooperate with law enforcement investigators, and convenient fainting spells when direct questions were asked about events.

82. This Station report contained no reference to the information confirming Ortiz's story contained in the October 15, 1991 draft Station cable prepared by Station [REDACTED]

83. April [REDACTED] 1992 Station Report. [REDACTED]

claimed that, two days before Ortiz left her post in Huehuetenango in late October 1989, two guerrillas were captured near San Miguel Acatan. The two guerrillas had only one carbine and one round of ammunition between them. They were transported to the military zone in Huehuetenango and interrogated. They told military authorities that they had not eaten in three days and that they were waiting for Ortiz to bring them food and ammunition. No other information was provided in the Station report.

84. February 16, 1994 Intelligence Report. [REDACTED]

[REDACTED] cast further doubt on Ortiz's story. [REDACTED] said the former site of the Guatemalan Military Academy could not possibly have been the location, as alleged by Ortiz, where she was

detained and physically and sexually assaulted by members of an unidentified Guatemalan Government security force.

85. [REDACTED] explained that the Guatemalan Military Academy was the location of the D-2 of the Guatemalan Armed Forces General Staff from 1982 until early 1985 when the D-2 moved out of the building and the site was turned over to the D-5 (Civil-Military Affairs) of the General Staff. [REDACTED] said that the D-2 had detention cells located in a converted laundry at the Academy, but that these detention cells were dismantled in early 1985 when the D-2 moved out of the building. Furthermore, [REDACTED] said that there had not been either an intelligence service or any facility for holding persons at the Academy since then.

86. [REDACTED] speculated that Ortiz may have been shown the site by persons interested in assisting her in fortifying her case against the Guatemalan Government and who would have known the site was formerly associated with government security forces. The Station sent this information to Headquarters on February 16 and it was disseminated [REDACTED] on February 17, 1994 to:

U.S. Embassy, Guatemala;

[REDACTED]

NSA

State, INR

DIA

Intelligence units of the Army, Navy, Marine Corps,
and Air Force;

Treasury Department;

White House Situation Room;

DOE; and

USCINCSO.

[REDACTED]

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[illegible]

88. A Station comment noted that three separate events surrounding the Ortiz case made her story appear questionable. First, Ortiz claimed that the site where she was held and tortured in 1989 was the old Military Academy that the D-2 moved out of in 1985, reportedly completely dismantling the holding facility. Second, Ortiz submitted to the Guatemalan courts an affidavit from a U.S. medical doctor attesting that the doctor had seen the alleged scars from cigarette burns on Ortiz's back. However, Ortiz refused to permit a Guatemalan court-appointed doctor to verify the scars. Third, Ortiz claimed, that during her torture, a Caucasian North American male identified as "Alejandro" by her kidnappers visited the site and spoke with her. Ortiz claimed that this same male took custody of her and told her that he would drive her to see a "friend of the North American Embassy." According to the Station, this portion of Ortiz's statement appeared to be an attempt to force the conclusion that Ortiz was kidnapped and tortured by a Guatemalan security service with which [REDACTED] had a liaison [REDACTED] and that [REDACTED] liaison officer must have been aware of her kidnapping and torture.

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89. November 11, 1994 Intelligence Report. According to [REDACTED] in early November 1994, the Guatemalan military has never operated "clandestine prisons" to hold political prisoners as claimed by the URNG and its supporters. [REDACTED] said that captured guerrillas were held at military zone headquarters and at D-2 facilities, but that calling these "clandestine prisons" appeared to be an intentional exaggeration and misrepresentation on the part of the URNG. The holding cells located in the old Military Academy, where the D-2 was formerly housed, were used to hold persons while the D-2 debriefed them. The D-2 completely dismantled the cells when the D-2 relocated from that site.

90. A Station comment included in the Report stated that Ortiz's claim that she was held and tortured at the site of the old Military Academy was viewed as proof by the Guatemalans that Ortiz fabricated her claim to have been kidnapped and tortured. The Guatemalans believed she must have been told what to say by the URNG or its supporters.

91. This information was sent to Headquarters on November 11, 1994 and was disseminated [REDACTED] on November 11, 1994 to:

NSA;
State, INR;
DIA;
Intelligence units of the Army, Navy, Marine Corps,
and Air Force;
Treasury Department;
White House Situation Room; and
USCINCSO.

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[REDACTED]

92. December [REDACTED] 1994 Station Report. Ambassador McAfee contacted COS [REDACTED] and said that she had received a call from a State Guatemalan desk officer who had been contacted by Ortiz. Ortiz inquired about an alleged "Media Management Course" sponsored [REDACTED] in Guatemala as reported in the "Central America Report." [REDACTED] told McAfee that this was probably the "Relations With The Media" course given [REDACTED] on November 14 and 15, 1994 as an extension of the Incident Management Seminar [REDACTED] was providing this special follow-up course at the request of Guatemalan [REDACTED]. The course provided training to a broad segment of Guatemalan officials within the context of Incident Management.

93. May [REDACTED] 1995 Intelligence Report. [REDACTED]

[REDACTED]

94. [REDACTED]

[REDACTED]

Although there was no suggestion that Gramajo personally tortured Ortiz or the others, he was sued on the grounds that, as Minister of

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Defense at the time, he had authorized the torture. [REDACTED]

95. [REDACTED]

96. **July 19, 1995 Station Report.** Based on a telephonic request from Headquarters, [REDACTED] conducted a search of Station files for draft cable traffic related to human rights cases that the Station may not have forwarded to Headquarters. According to [REDACTED] contained no cables that had not been forwarded to Headquarters.

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Other Reporting

97. CIA records contained 83 reports dealing with Ortiz. These included FBIS reporting, Embassy telegrams and Defense Attaché Reports. They are summarized as follows:

- ◆ **November 3, 1989 FBIS Report.** According to the press, Guatemalan Archbishop Prospero Penados del Barrio reported the kidnapping of Dianna Ortiz, a 20 year old nun from Colorado. Ortiz was reported kidnapped on November 2, 1989 in Antigua, Guatemala, where she was attending a seminar with other nuns.
- ◆ **November 4, 1989 Embassy Telegram.** Ambassador Stroock reported Ortiz was taken to the home of the Papal Nuncio. Stroock visited the home and noted Ortiz had large bruises/scrapes on her left cheek. According to the Nuncio, she also had burns on her back. Stroock noted that Ortiz looked traumatized.
- ◆ **November 4, 1989 DIA Report.** A Defense Intelligence Summary reported that Archbishop Prospero Penados del Barrio announced the kidnapping of Dianna Ortiz on November 3, 1989.
- ◆ **November 6, 1989 Embassy Telegram.** Stroock reported he made another attempt to visit Ortiz on November 4 but was not allowed to see her.
- ◆ **November 6, 1989 Embassy Telegram.** The Embassy suggested press guidance for the State Department based on available details regarding what happened to Ortiz. The guidance stated that Ortiz appeared to have been physically mistreated. However, she declined to provide details. Embassy officers attempted to meet with her on

four occasions to learn what had happened, but were unsuccessful.

- ◆ **November 7, 1989 Embassy Telegram.** Because of interest in a separate kidnapping in Mexico, the Guatemala City Embassy provided details to the U.S. Embassy in Mexico regarding Ortiz's kidnapping, release and departure from Guatemala.
- ◆ **November 8, 1989 Embassy Telegram.** The Embassy reported that the story released by the Archbishop surrounding the alleged disappearance and subsequent reappearance of Ortiz contradicted in important ways the story initially told to the Ambassador and Embassy officers. The Embassy noted that Ortiz's refusal to speak to U.S. representatives, either in Guatemala or the U.S., and the insistence on maximum publicity by those around her, led the Embassy to question the motives and timing behind the story. Stroock urged a full investigation by appropriate U.S. law enforcement agencies.
- ◆ **November 8, 1989 FBIS Report.** According to the Guatemalan press, the Guatemalan Government denied the existence of the "secret jails" denounced by Ortiz. The press reported that Ortiz was kidnapped, raped, tortured, and held by three men for 24 hours.
- ◆ **November 16, 1989 FBIS Report.** According to the Guatemalan press, former Guatemalan Interior Minister Valle described Ortiz's account of her kidnapping as "surprising and incredible." Valle noted that, if state security forces were responsible for the crime, they would never have used a public bus to transport the nun from Antigua to Mixco, as

she claimed. He also criticized Ortiz's failure to provide Guatemalan authorities with information so that they could investigate the incident.

- ◆ **November 16, 1989 Embassy Telegram.** The Embassy reported on continued Guatemalan Government, church and local press reaction to Ortiz's kidnapping and torture story. On November 9, Guatemalan President Cerezo said he doubted Ortiz's story. On the same day, an Army captain in the Presidential Guard charged with investigating Ortiz's case said he was at a dead end. The Papal Nuncio told Stroock for the first time that Ortiz was visited and treated by a doctor before she left Guatemala.
- ◆ **November 20, 1989 Embassy Telegram.** The Embassy reported that the Guatemalan Mutual Support Group had linked the United States with the kidnapping of Ortiz. The link was based on Ortiz's testimony that one of her alleged kidnappers mentioned "a friend in the U.S. Embassy."
- ◆ **November 27, 1989 Embassy Telegram.** The Embassy received a copy of the police investigation report of the alleged torture and kidnapping of Ortiz. The report, according to the Embassy, stated that all the bus drivers who drove on the Antigua-Mixco route were interviewed but none of them remembered any woman matching Ortiz's description boarding the bus.
- ◆ **December 1, 1989 Embassy Telegram.** Stroock met with two American Maryknoll priests to attempt to overcome religious community suspicion and antipathy toward the U.S. Embassy. Both priests recounted numerous past atrocities

against villagers and priests that they attributed to the Guatemalan Army. Neither priest accepted the general proposition that the human rights situation had improved under a civilian government.

- ◆ **December 19, 1989 State Telegram.** State Department issued its Central American update for November and noted that the Ortiz case had created a furor among religious and human rights groups in the U.S. It noted that the case may lead to renewed attempts in Congress to restrict assistance to Guatemala.
- ◆ **January 12, 1990 FBI Report.** The FBI reported to CIA, DoJ, State, Panama City, and two FBI field offices on the kidnapping of Ortiz. The FBI report provided no new information.
- ◆ **January 26, 1990 Embassy Telegram.** The Embassy reported that the investigation of the alleged kidnapping of Ortiz was stalled in an Antigua court. The presiding judge had prepared letters requesting that the appropriate U.S. authorities take a sworn statement from Ortiz and require that she undergo a physical examination.
- ◆ **February 1, 1990 Embassy Telegram.** The Embassy reported that a Guatemalan dermatologist told Embassy officers that he had examined Ortiz on November 3, 1989 and treated her for minor facial lacerations and burns on her back. The dermatologist stated that there could have been as many as 100 lesions or burns on her back. He explained that there were no follow-up visits because Ortiz left Guatemala for the U.S. the next day.

- ◆ **February 3, 1990 State Telegram.** The State Department issued its final version of the 1989 Human Rights Report for Guatemala. The report mentioned that the alleged torture case of Dianna Ortiz was under investigation. It also noted that the Guatemalan Government opened an investigation into the case and requested additional information from Ortiz. However, Ortiz did not accede to the request and the perpetrators remained unidentified.
- ◆ **March 12, 1990 Embassy Telegram.** The Embassy reported that Guatemalan Minister of Interior Carlos Morales Villatoro told reporters at a press conference that he believed the Ortiz incident was a "self-kidnapping." Morales criticized Ortiz and another recent kidnap victim for fleeing Guatemala without presenting their cases before the appropriate authorities. The Embassy commented that Morales expressed the conception held by many Guatemalans that Ortiz fabricated the entire incident.
- ◆ **March 15, 1990 Embassy Telegram.** The Guatemalan National Police provided a booklet to the Embassy entitled "Report on Investigations of Human Rights Related Cases in Guatemala: January 1989-February 1990." The Embassy commented that the booklet's discussion of the Ortiz case provided information already known, with the exception of the claim that a psychiatrist had asked Ortiz to go to the retreat in Antigua. This claim, according to the Embassy, was consistent with public statements by Morales that there were "certain aspects of Ortiz's life that he does not wish to make public."

- ◆ **March 15, 1990 Embassy Telegram.** The Embassy reported that Minister of Interior Morales and the police concluded that the reported kidnapping of Ortiz was a fake. It also stated that one of the local newspapers carried a paid advertisement from the conference of religious persons of Guatemala that disputed Morales's statement that Ortiz did not tell the truth.
- ◆ **April 3, 1990 Embassy Telegram.** The Embassy reported that Ortiz's attorney, Paul Soreff, told Stroock that he would write a letter to the public stating that neither he nor Ortiz accuses any employee of the U.S. Embassy of participating in her abduction and torture. The Embassy commented that it was not optimistic about a definitive resolution of Ortiz's case. Ortiz's physical and emotional states were said to be too fragile to allow her to be interviewed by anyone other than her closest colleagues.
- ◆ **April 6, 1990 Embassy Telegram.** The Embassy reported that Ortiz's attorney Soreff told Minister Morales that he was outraged by statements that Ortiz was involved in a "self-kidnapping." Morales told Soreff that as far as he was concerned the investigation was over and that it was a "self-kidnapping." Morales stated that the burden was now on Ortiz to make her case.
- ◆ **April 30, 1990 Embassy Telegram.** According to the Embassy, Soreff told Stroock that Guatemalan President Cerezo agreed to appoint a Special Commission to examine the Ortiz case. Soreff and other members of a delegation visiting Guatemala to discuss the Ortiz case accused the Embassy of bias and of spreading misinformation about Ortiz.

- ◆ **May 31, 1990 State Telegram.** The State Department reported that Soreff met with State officials in Washington and requested that they press for the establishment of a Guatemalan Special Commission to investigate the Ortiz case. Soreff requested a letter be sent to President Cerezo indicating the U.S. considered resolution of the Ortiz case to be important.
- ◆ **June 14, 1990 Embassy Telegram.** The Embassy reported that President Cerezo told Stroock that he believed the Special Commission should investigate and resolve the Ortiz case.
- ◆ **September 27, 1990 Embassy Telegram.** The Embassy's 1990 Country Human Rights Report stated that no progress was made in the Ortiz case. It reported that a police investigation and official statements cast doubt on Ortiz's claim that she was abducted and tortured by security forces. The Report noted that, despite many requests, Ortiz had not provided further information to Guatemalan or U.S. officials, and the case remained open with a lack of information hampering a serious investigation.
- ◆ **November 23, 1990 Embassy Telegram.** The Embassy reported that it opposed a representative of the State Department in Washington meeting with Ortiz. It stressed that such a meeting was a "lawyer's stunt" meant to blunt criticism of Ortiz's year long refusal to talk to FBI investigators.
- ◆ **December 6, 1990 Embassy Telegram.** Soreff told Stroock that he wanted the commission to look into the Ortiz case to be formed and operating as President Cerezo had promised. Soreff told Stroock that Cerezo refused to meet with him.

According to Ursuline head Sister, Francis Wilhem, Ortiz began to remember more details about her alleged kidnapping and torture. Ortiz, according to Wilhem, said that she now remembers that she was repeatedly raped, that rats were dropped on her, and that wine was poured on the cigarette burns on her back and dogs were brought in to lick the wine off. The Embassy commented that the Ortiz case is inconclusive and will remain so until she is willing to come forward and answer questions.

- ◆ **December 12, 1990 Embassy Telegram.** According to the Embassy, Sister Wilhelm issued a press release that stated that the Guatemalan military and police were responsible for the kidnapping and torture of Dianna Ortiz. As a result, they chose not to do a thorough investigation of this case, instead calling her disappearance a "self-kidnapping."
- ◆ **December 17, 1990 Embassy Telegram.** The Embassy reported that the Ortiz case was being given extensive local publicity and was a subject in local electoral politics.
- ◆ **December 20, 1990 Press Report.** The local Guatemalan press reported that President Cerezo made a formal commitment to a group of U.S. legislators to allow Ortiz to take part in the investigation to ascertain who kidnapped and raped her.
- ◆ **February 13, 1991 Embassy Telegram.** A delegation representing Ortiz concluded its visit to Guatemala. The group issued a statement asking that a Guatemalan Presidential Commission meet before the end of February, or the Ortiz case would

be referred to international public opinion and the world press.

- ◆ **May 7, 1991 Embassy Telegram.** The Embassy's April 1991 Human Rights Summary for Guatemala noted that Guatemalan President Serrano, despite earlier promises, announced he would not form a commission to investigate Ortiz's allegations.
- ◆ **June 21, 1991 Embassy Telegram.** The Embassy reported that it polled every U.S. and foreign service national employee at the mission and did not find anyone who matched the description of "Alejandro" that had been provided by Ortiz.
- ◆ **July 5, 1991 Embassy Telegram.** The Embassy issued a standard reply letter to be used regarding the Ortiz case. The letter provided details on Ortiz and the Embassy's involvement in the case.
- ◆ **July 20, 1991 State Telegram.** State Department transmitted guidance on responding to Special Investigator [REDACTED] request to discuss the Ortiz case with Embassy officers. The Department requested that the Embassy contact Ortiz's attorney and ask [REDACTED] to submit his request in writing.
- ◆ **August 1, 1991 Embassy Telegram.** The Embassy reported that a religious legal delegation told Stroock that the Guatemalan Government was now serious about investigating Ortiz's case. Members of the delegation noted that Ortiz's suit against former Defense Minister General Gramajo was the result of Gramajo's continuing allegation that Ortiz's ordeal was the result of a lesbian affair gone bad.

- ◆ **August 6, 1991 Embassy Telegram.** The Embassy issued its Human Rights Report for July 1991 stating that a recent delegation led by Soreff was pleased with President Serrano's decision to name a special investigator and prosecutor to examine Ortiz's case.
- ◆ **August 13, 1991 FBIS Report.** On July 21, the Guatemalan press reported that former Guatemalan President Cerezo said that he was aware of security forces involvement in the abduction and torture of Ortiz. However, the Embassy reported that when the Deputy Chief of Mission spoke with Cerezo, he denied that he ever said such a thing.
- ◆ **October 17, 1991 Embassy Telegram.** The Embassy reported that Ortiz refused to meet with Special Investigator [REDACTED]-who was investigating Ortiz's case on behalf of the Guatemalan Government.
- ◆ **October 21, 1991 Embassy Telegram.** The Embassy reported in its FY 1991 Human Rights Report that the Guatemalan Attorney General appointed a special prosecutor and an investigator to examine the Ortiz case.
- ◆ **November 22, 1991 Embassy Telegram.** The Embassy reported that retired General Gramajo called the suit filed by the Center for Constitutional Rights a political maneuver and stated that "nobody believes the Ortiz story."
- ◆ **December 6, 1991 Embassy Telegram.** Guatemalan Special Prosecutor Linares explained to Stroock that he would not travel to Kentucky to interview Ortiz because he felt uneasy about the

terms of the interview. He noted that he urged Deputy Ombudsman Morales de Sierra to go instead.

- ◆ **December 6, 1991 Embassy Telegram.** The Embassy forwarded a copy of a memorandum from Deputy Ombudsman Morales de Sierra to Ombudsman De Leon describing Morales's attempt to interview Ortiz in Kentucky. Ortiz, according to the memorandum, was not cooperative and would not respond to questions.
- ◆ **December 31, 1991 Embassy Telegram.** Unknown assailants fired several shots at the home of the Deputy Human Rights Ombudsman who was working on the Ortiz case.
- ◆ **January 3, 1992 State Telegram.** State's final version of the FY 1991 Human Rights Report for Guatemala mentioned the Ortiz case as one of a number of human rights cases that remained unsolved.
- ◆ **January 7, 1992 Embassy Telegram.** The Embassy reported that Human Rights Ombudsman De Leon saw some improvement in Guatemala's overall human rights situation. De Leon stated he believed the Archbishop had gone beyond the evidence in his statements about Ortiz.
- ◆ **February 7, 1992 Embassy Telegram.** Stroock reported on plans for an Ortiz visit to Guatemala.
- ◆ **February 21, 1992 Embassy Telegram.** The Embassy reported on Ortiz's upcoming visit to Guatemala and her availability for an investigative interview. Special Prosecutor Linares called for a complete investigation into Ortiz's case and stated

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that her judicial statements were essential to clarify inconsistencies in the facts.

- ◆ **March 24, 1992 Embassy Telegram.** The Embassy reported on Stroock's meeting with Human Rights Ombudsman De Leon. Stroock told De Leon that Ortiz planned to visit Guatemala April 5-9 and would stay at his residence.
- ◆ **April 10, 1992 FBIS Report.** FBIS relayed a transcript of Presidential Secretary General Orellana's statement on Ortiz's return to Guatemala.
- ◆ **April 15, 1992 Embassy Telegram.** The Embassy reported that Ortiz's visit to Guatemala provided little, if any, new information to enable the Guatemalan Government to investigate her case and bring the perpetrators to justice. The Embassy indicated that Ortiz's advisor carefully controlled her time and she was not exposed to any risk of contradicting herself or providing additional testimony that might have cast doubt on her version of events concerning the kidnapping.
- ◆ **April 24, 1992 Embassy Telegram.** A Guatemalan official told Deputy Assistant Secretary Joseph Sullivan that Ortiz's allegations about the rape, torture, and kidnap were vague. He stated his belief that the case was being manipulated politically and would be very difficult to resolve.
- ◆ **April 30, 1992 Embassy Telegram.** The Embassy provided a summary of Ortiz's visit to Guatemala and [REDACTED] investigation. [REDACTED] according to the Embassy, stated that inconsistencies in Ortiz's statements made it impossible to determine who may have committed acts against her. Both the

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Special Prosecutor and Judge Secaira doubted Ortiz's version of events.

- ♦ **May 6, 1992 State Telegram.** The State Department authorized a limited waiver of diplomatic immunity to permit Stroock to provide answers to questions concerning the Ortiz case at a Guatemalan court hearing.
- ♦ **May 12, 1992 Embassy Telegram.** The Embassy provided a list of questions from Judge Secaira that Stroock was to answer at the court hearing on the Ortiz case.
- ♦ **May 19, 1992 Embassy Telegram.** The Embassy reported that the Guatemalan Human Rights Commission report described naming a special prosecutor in Ortiz case.
- ♦ **June 1, 1992 Embassy Telegram.** The Embassy reported Stroock's responses to Judge Secairo's questions at the Ortiz hearing.
- ♦ **July 6, 1992 Embassy Telegram.** The Embassy reported that Monsignor Flores told Stroock that he doubted Ortiz's story.
- ♦ **July 7, 1992 Embassy Telegram.** Stroock reported on a meeting with Ortiz's attorneys where he requested they provide a listing of actions they would like the Guatemalan Government to take in the case. Stroock stated he would continue to press for resolution of the case.
- ♦ **July 7, 1992 Embassy Telegram.** The Embassy reported on Stroock's testimony to the Guatemalan court on the alleged abduction and torture of Ortiz.

- ◆ **August 14, 1992 Embassy Telegram.** The Embassy reported that Judge Secaira had been unexpectedly transferred.
- ◆ **September 23, 1992, Embassy Telegram.** The Embassy stated that Stroock requested that President Serrano respond to a July 31, 1992 letter from Attorney Shawn Roberts who was now representing Ortiz.
- ◆ **September 28, 1992 Embassy Telegram.** The Embassy reported that Human Rights Ombudsman De Leon Carpio told the Deputy Chief of Mission that Ortiz's story was very confused and she was not cooperative in efforts to resolve the case.
- ◆ **November 18, 1992 Embassy Telegram.** The Embassy transmitted its Human Rights Summary for September-October 1992. The summary stated that Judge Secaira resigned from the Ortiz case as a result of her transfer outside of the capital.
- ◆ **December 10, 1992 Embassy Telegram.** The Embassy reported Ortiz's psychological health was improving and she planned to return to Guatemala.
- ◆ **March 9, 1993 Embassy Telegram.** The Embassy reported on Ortiz's plan to return to Guatemala to complete judicial procedures, and of the Embassy's plan to assist in the visit.
- ◆ **March 31, 1993 Embassy Telegram.** The Embassy reported Ortiz's return to Guatemala on March 21 to complete judicial procedures. It also reported that she identified ten policemen who resembled her captors.

- ◆ **April 5, 1993 Embassy Telegram.** A Guatemalan Ministry of Foreign Affairs (MFA) note to the Embassy requests names of U.S. personnel collaborating with Guatemalan Security Forces in October and November 1989.
- ◆ **April 28, 1993 State Telegram.** The State Department disagreed with the Embassy response to the MFA inquiry and stated that it was unclear what the MFA means by the word "collaborating."
- ◆ **May 6, 1993 Embassy Telegram.** The Embassy proposed a different response to MFA and it was approved by the State Department.
- ◆ **October 27, 1993 Embassy Telegram.** Ambassador McAfee met with the Guatemalan Foreign Minister and provided him with a letter from the Senate Appropriations Committee that requested information and authorization to access military installations in connection with the Ortiz case.
- ◆ **October 28, 1993 Embassy Telegram.** The Embassy reported McAfee met with Bishop Gerardi who stated that, because of intransigence by the armed forces, his office considered closing the Ortiz case. Gerardi believed Ortiz was being excessively manipulated by her advisers.
- ◆ **January 21, 1994 Embassy Telegram.** McAfee met with Bamaca's American spouse, Jennifer Harbury, Ortiz and members of the Blake family.
- ◆ **July 25, 1994 Embassy Telegram.** The Embassy reported that former National Police Director Cifuentes stated he surmised Ortiz was abused by soldiers. Cifuentes promised to review the Ortiz

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case file and develop a strategy for continuing the investigation.

- ◆ **November 5, 1994 Embassy Telegram.** The Embassy reported McAfee met with Ortiz and two other members of "Coalition Missing" to discuss the Harbury/Bamaca case.
- ◆ **November 8, 1994 Embassy Telegram.** The Embassy reported Ortiz met with McAfee and expressed concern that officials in the Guatemalan Government had a vindictive attitude toward Harbury.
- ◆ **November 18, 1994 Embassy Telegram.** The Embassy reported that Assistant Secretary John Shattuck and McAfee met with Prosecutor Ramses Cuestas. Cuestas stated the Ortiz case was stalled due to an inability to identify a suspect in the abduction. Cuestas said he hoped for a resolution of the case in four to five months.
- ◆ **December 29, 1994 Embassy Telegram.** The Embassy issued its Human Rights Report for 1994. The report mentions that Ortiz returned to Guatemala in January and November to press authorities to take action on her case.
- ◆ **April 20, 1995 FBIS Cable.** An FBIS cable from Panama City provided a transcript of Gramajo's interview after the \$45.7 million judgment against him by a U.S. judge.
- ◆ **April 27, 1995 Embassy Telegram.** The Embassy reported MINUGUA (the UN Human Rights Verification Commission) Director Leonardo Franco stated former Minister Gramajo requested intercession to obtain a public statement from the

Embassy that Ortiz was permitted to leave Guatemala as a result of former Ambassador Stroock's intervention.

- ♦ **May 6, 1994 Embassy Telegram.** The Embassy reported that Gramajo stated he expected to run for President and expressed concern over the Ortiz lawsuit.

Personnel Recollections

98. Agency personnel who were knowledgeable of the Ortiz case recall the inconsistencies and contradictions in Ortiz's various testimonies about the incident. [REDACTED]

99. Former Station officers also doubted Ortiz's versions of the kidnapping. [REDACTED]

100. According to former Ambassador Stroock, Ortiz suffered some form of trauma. However, her story and the alleged connection to the Embassy did not withstand scrutiny.

THE STABBING OF MEREDITH LARSON

101. Meredith Larson is a Northern Virginia native who was stabbed by two men in Guatemala City on December 20, 1989 while walking to her residence. At the time of the attack, she was a member of the Peace Brigades International (PBI) and was accompanied by two other PBI members. All three individuals suffered non-lethal wounds and received medical attention.

CIA Reporting

102. Agency records do not contain any CIA-generated information relating to Larson or the stabbing incident.

Other Reporting

103. CIA records contained two reports dealing with Larson. These included two Embassy telegrams. They are summarized as follows:

- ◆ **December 21, 1989 Embassy Telegram.** The Embassy indicated that the local PBI and Canadian Embassy reported the stabbing. Larson and two Canadian citizens were attacked by two knife wielding men in downtown Guatemala City. Larson was reported to have been hospitalized overnight and the Consul was to meet with her.
- ◆ **December 22, 1989 Embassy Telegram.** An Embassy telegram documented contact with Larson on December 21. Larson indicated she and two other PBI members were walking within one block of the group's residence when they were stabbed. The attackers did not speak nor attempt to rob the three. Larson fled to the PBI's residence and subsequently received medical attention for wounds to her left arm, breast and chest. The victims believed the attack was a deliberate

attempt to frighten PBI members. This incident was reported to have followed May 1989 death threats and an August 1989 grenade attack directed at their residence. The Embassy contacted the Director of the National Police to urge an immediate and thorough investigation.

Personnel Recollections

104. No CIA personnel had direct knowledge relating to Larson or the circumstances surrounding her stabbing.

THE ASSAULT UPON JOSH ZINNER

105. According to the press, Josh Zinner, a social worker and former resident of Washington, D.C., was working with homeless children in Guatemala City in 1990. He was assaulted by gunmen and dragged toward a waiting car. The Guatemalan police intervened, but released the assailants who were said to display military identification.

CIA Reporting

106. Agency records contain no information pertaining to Zinner.

Other Reporting

107. CIA records contained two reports dealing with Zinner. These included two Embassy telegrams. They are summarized as follows:

- ◆ **November 7, 1994 Embassy Telegram.** Guatemala Embassy summarized Ambassador McAfee's meeting with members of "Coalition Missing," an organization of U.S. citizens who identify themselves as affected by official and right-wing

violence in Guatemala. Zinner was present at the meeting. The visitors argued in favor of imposing trade sanctions against Guatemala in order to induce the Guatemalan Government to cooperate in the Bamaca investigation.

- ◆ **November 8, 1994 Embassy Telegram.** Guatemala Embassy summarized Ambassador McAfee's meeting with supporters, including Zinner, of Harbury's hunger strike. Zinner stated that the Government of Guatemala harassed Harbury by providing little advance notice of Bamaca's pending exhumation.

Personnel Recollections

108. No Agency personnel had direct knowledge of the Zinner case.


THE DEATH OF MYRNA MACK

109. Myrna Mack, a Guatemalan anthropologist, was stabbed to death in Guatemala City on September, 11, 1990. At the time, she was working for a social and anthropological research institution researching issues that concerned displaced persons. Initial speculation was that her death resulted from a robbery. Myrna's sister, Helen Mack Chang, has alleged persistently that the murder was perpetrated by members of the Guatemalan Security Services. Helen Mack has regularly sought U.S. assistance in pursuing the perpetrators of the crime and also senior Guatemalan Security Officials whom she alleges were involved in the murder.

110. Noel De Jesus Beteta Alvarez, a former Army Sergeant assigned to the Presidential General Staff, was accused of carrying out the murder. Through the efforts of the U.S. Embassy in Guatemala, he was returned from California to stand trial. The subsequent legal proceedings relating to Beteta and numerous efforts

to hold other individuals accountable have been riddled with conflicting factual, political and personal divisions.

111. Beteta was initially believed to have had a hand injury so serious that he could not have stabbed Mack. Subsequently, the police officer involved in the Mack investigation was murdered and it was speculated that his death resulted from association with the Mack investigation. It was further rumored by political opponents that Chief of the Presidential Staff Luis Francisco Ortega Menaldo was in some way involved in the police officer's murder. [REDACTED]



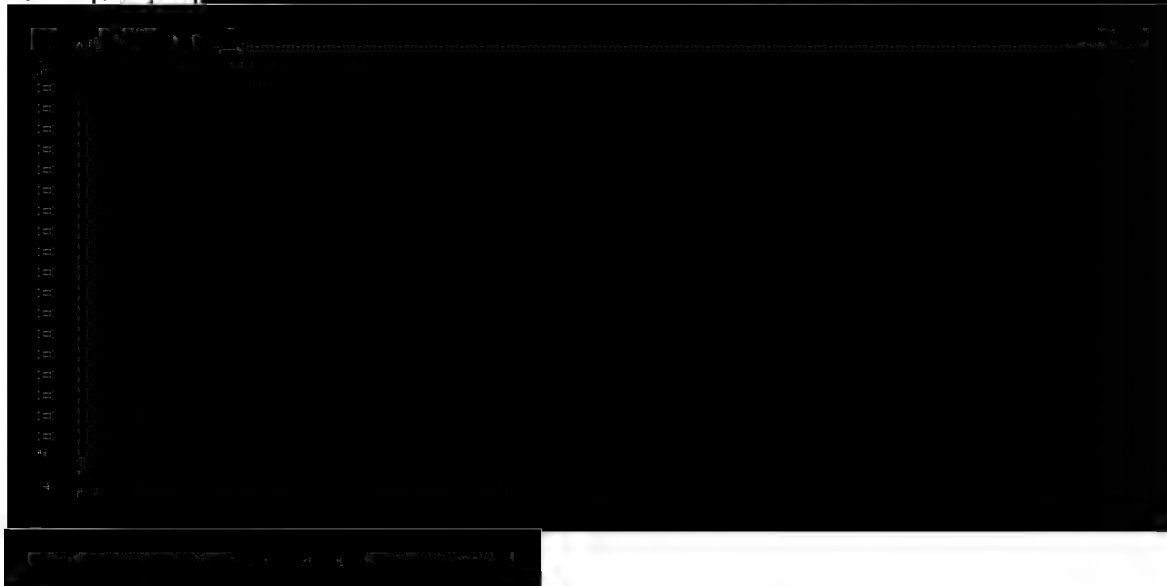
112. The U.S. Embassy has consistently applied pressure to the Guatemalan Government to ensure that justice is served and human rights respected. This diplomatic stance resulted in strained relations, especially between the Guatemalan military and the U.S. A number of military officials believe they were unfairly implicated in human rights abuses before investigations were initiated. Additionally, there were divisions within the military. For example, some D-2 officers believe they were being blamed for human rights violations committed by the Presidential Security Service. The Guatemalan Government, in attempts to improve its international reputation, responded by creating a Security Cabinet. The military even hired a Washington, D.C. consulting firm to help with its image problems.

113. Beteta was convicted of the Mack murder on February 12, 1993. The Guatemalan courts ruled that the investigation of the alleged involvement of others could continue. Although others have not been criminally tried, Helen Mack has filed civil actions against them.

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CIA Reporting

114. [REDACTED]



115. July [REDACTED] 1991 Intelligence Report. [REDACTED]

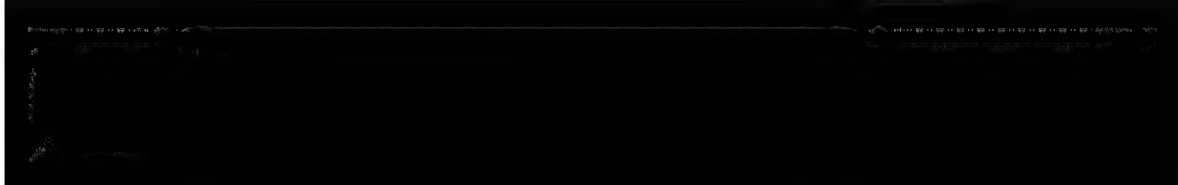
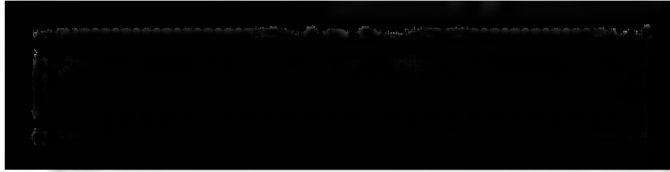
[REDACTED] that there was a lack of solid evidence in the Mack murder case. [REDACTED] political pressure applied to the National Police to solve the murder resulted in an order to arrest a man who probably could not have committed the crime. The accused, Noel De Jesus Beteta Alvarez, was a member of the Guatemalan Army, Presidential Security Staff who was on medical leave for a serious hand injury when Mack was murdered. [REDACTED] indicated that Beteta was in no physical condition to commit the murder with a knife. Beteta had been discharged from the Army on October 2, 1990, and his whereabouts were unknown.

116. The Station sent this information to Headquarters on July [REDACTED] 1991, and it was disseminated [REDACTED] on the same day to:



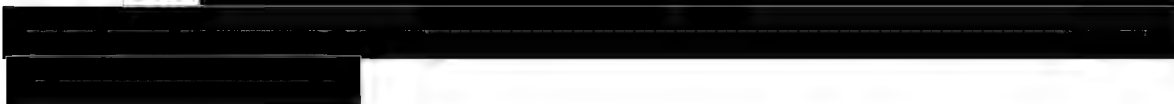
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117. [REDACTED] the Station obtained information [REDACTED] that senior Police Officials believed the assassination of Jose Miguel Merida Escobar, a member of the Guatemalan National Police, resulted from his involvement with corrupt police officers and not his role in the Mack murder investigation. According to [REDACTED] Director of the D-2 Colonel Marco Antonio Gonzalez Taracena, Minister of Government Fernando Hurtado Prem, and Director of the National Police Colonel Mario Paiz Bolanos (Retired), spread a rumor that the Security Department of the Presidential Staff, controlled by Colonel Luis Francisco Ortega Menaldo, was in some way involved in the Merida killing. [REDACTED] despite a fairly clear trail leading to the murderers of Merida, Ortega was the subject of the rumor in hopes of reducing his influence.

118. [REDACTED]



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[REDACTED]

119. August [REDACTED] 1991 Station Report.

Station obtained information from [REDACTED]

[REDACTED] stated that there appeared to be a concerted effort to misdirect the Merida murder investigation. [REDACTED] talk within military circles indicated Merida was getting too close to identifying the Mack killers and his assassination appeared to have been officially sanctioned. [REDACTED]

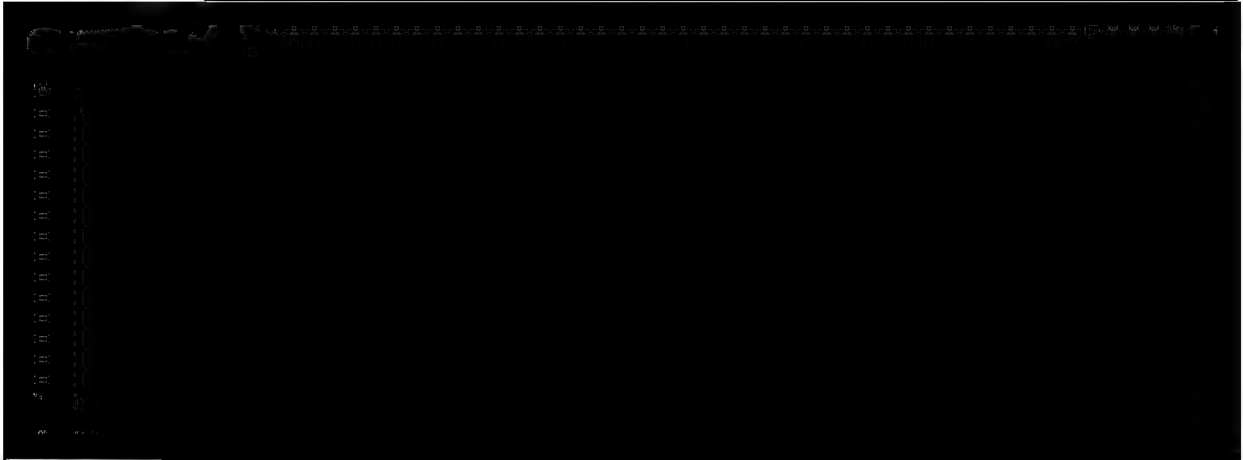
120. August [REDACTED] 1991 Station Report. The Station reported information contained in an August 23, 1991 newspaper article. The article detailed a communiqué from an anonymous right wing military group accusing Colonel Gonzalez Taracena and the D-2 of participating in the Mack murder. The Station provided this information as a possible symptom of continued discontent within the military.

121. October 15, 1991 Draft Station Cable. This draft cable [REDACTED] reported that members of the D-2 assassinated the police officer who had been assigned to investigate a number of human rights cases, including the Mack case. According to the draft cable, [REDACTED] did not say that D-2 members killed Mack, but [REDACTED] said he believed from the nature of the killing and the attempts to shift the blame to the

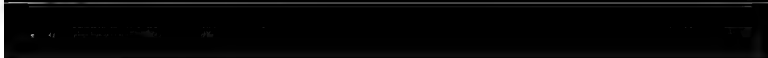
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Presidential Security Staff that D-2 members may well have killed her.

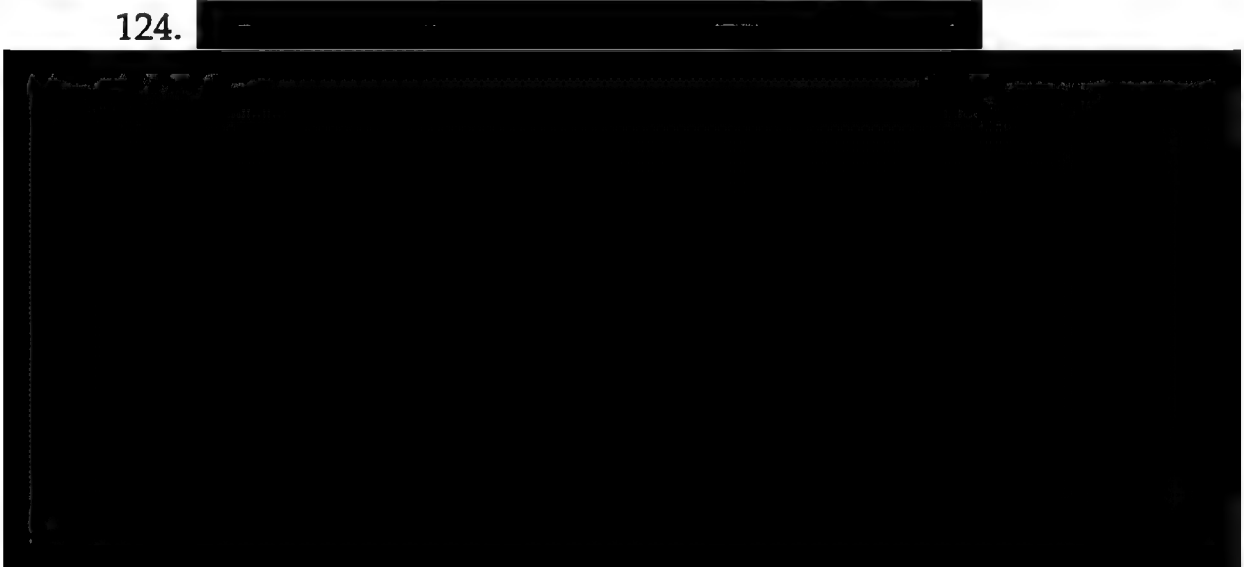
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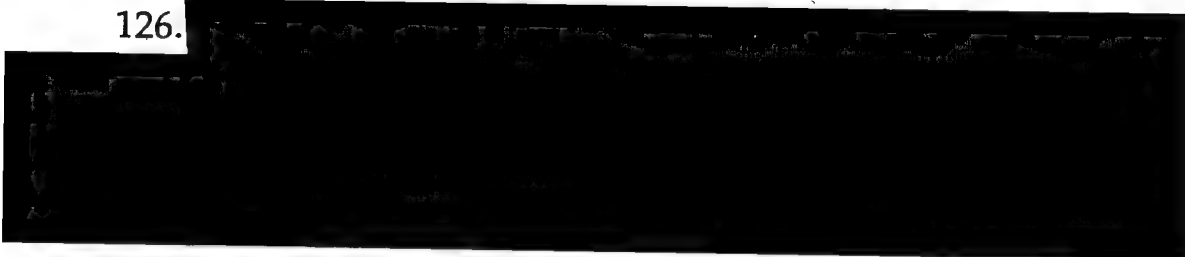
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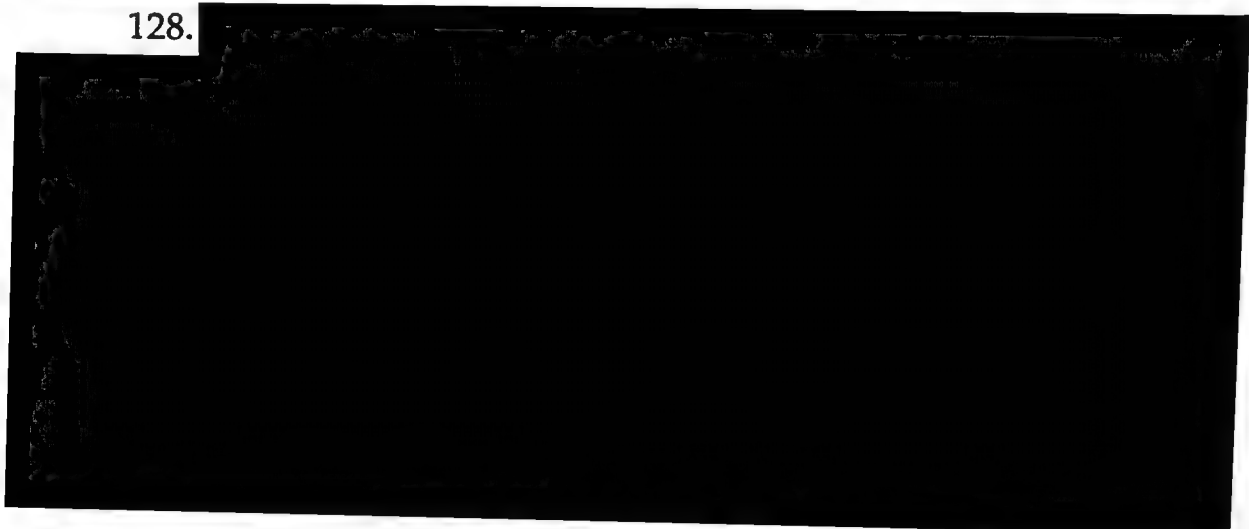
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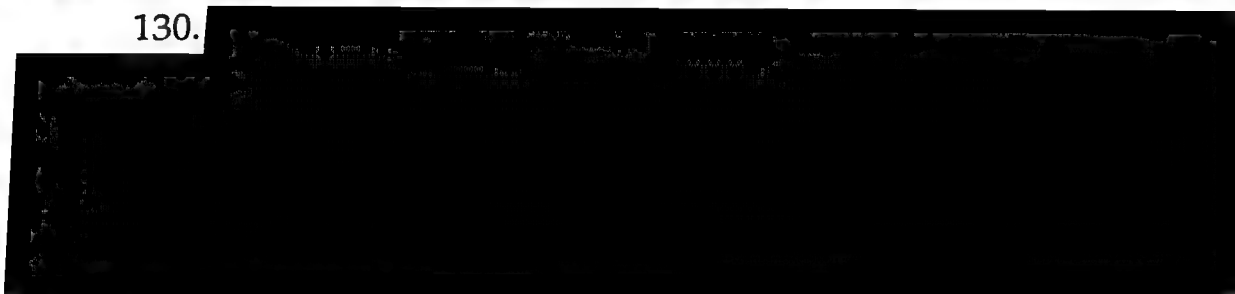


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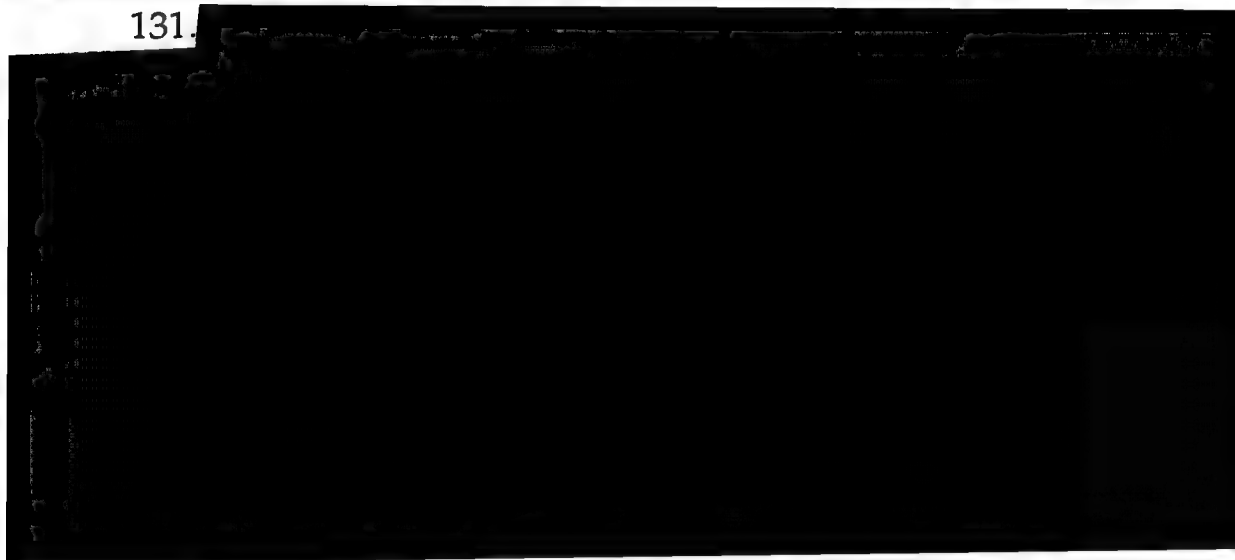
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[REDACTED]

133. October [REDACTED] 1992 Station Report. The Station forwarded to Headquarters information contained in the October 14, 1992 edition of the Guatemala daily newspaper Siglo Veintiuno. The newspaper reported that Helen Mack accused several Guatemalan Army officers of being involved in her sister's murder, giving false testimony, and covering-up after the fact. The Station indicated that Helen Mack accused all of the officers who were in the Presidential Security Staff's chain of command at the time of the murder.

[REDACTED]

134. [REDACTED]

[REDACTED]

[REDACTED] reported information concerning the deteriorating state of relations between Guatemala and the U.S. [REDACTED] attributed the worsening of relations to the U.S. Government's active interest in cases of alleged human rights abuse on the part of the Guatemalan Army and security services. According to [REDACTED], some senior Army officers believed the U.S. was supporting efforts by Helen Mack to implicate Army officers in the Mack killing.

135. [REDACTED]

[REDACTED]

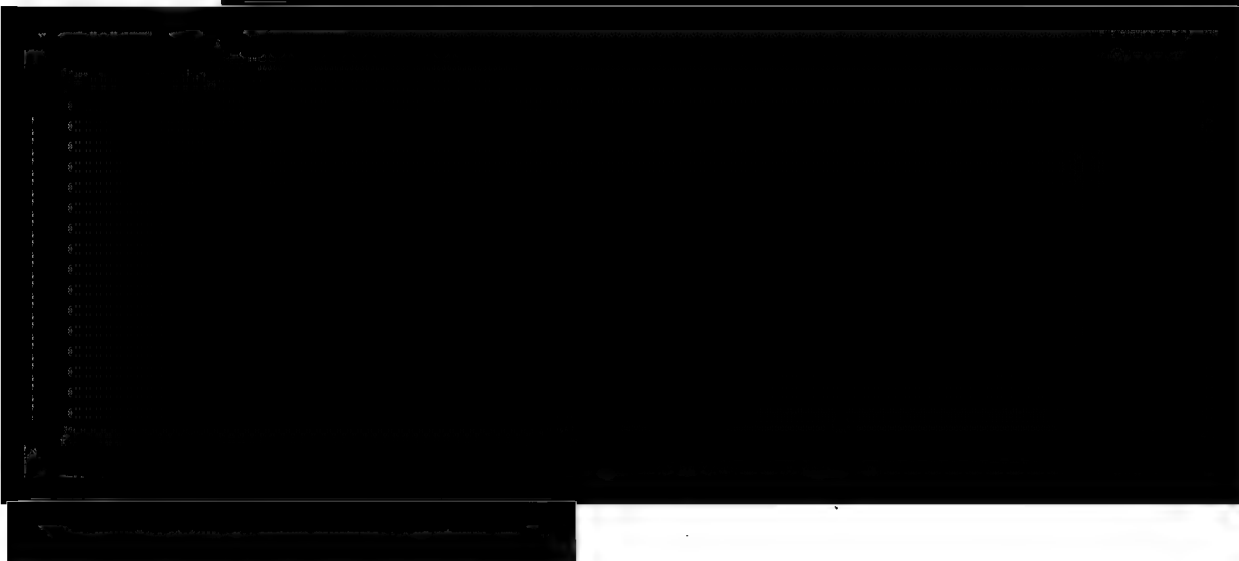
[REDACTED] also stated that senior Army officers were frequently angered by the perceived attitude of U.S. officials that Guatemalan officials were always guilty of alleged human rights abuses even before investigations had begun.

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136. The Station forwarded the information to Headquarters [REDACTED]
[REDACTED] It was disseminated [REDACTED]
October [REDACTED] 1992, to: [REDACTED]



137. [REDACTED]



138. November [REDACTED] 1992 Intelligence Report. The Station provided Headquarters with an appraisal of the situation in Guatemala and growing discontent within the Armed Forces. The

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report reiterated earlier reporting concerning the belief by some senior Guatemalan military officers that the U.S. was supporting Helen Mack's efforts to implicate or identify Army officers in the Mack killing. These officers were frequently angered by the perceived attitude of U.S. officials that the Guatemalan forces were guilty of human rights abuses even before investigations had begun.

139. The Station provided this information to Headquarters [REDACTED] and it was disseminated [REDACTED] on November [REDACTED] 1992, [REDACTED]



140. December [REDACTED] 1992 Intelligence Report. [REDACTED]

[REDACTED] the Guatemalan Government viewed the accusations by the Human Rights Ombudsman regarding the Mack case and involvement of the U.S. in another case, as a sign of things to come [REDACTED]

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141. The Station sent the information to Headquarters [REDACTED]
[REDACTED] and it was disseminated [REDACTED]
[REDACTED] on December [REDACTED] 1992, [REDACTED]

[REDACTED]

[REDACTED]

142. [REDACTED]

[REDACTED]

[REDACTED] the person responsible for the Mack murder was not connected to the [REDACTED] as was believed by the local press and Helen Mack. [REDACTED] that the responsible individual was extremely well protected by the Guatemalan Government. [REDACTED] expressed hesitation to engage in further discussions concerning this issue for fear of endangering himself.

143. [REDACTED]

[REDACTED]

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145.



146. February 1993 Station Report. The Station sent information to Headquarters that indicated that a verdict on Beteta's guilt or innocence was expected soon.



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[REDACTED]
[REDACTED] order to provide Mack trial witnesses with protection but none had been requested.

[REDACTED] was aware of a threatening letter that had been sent to witnesses and derided the credibility of the witnesses against Beteta, stating he was innocent. [REDACTED] speculated that the press play surrounding the threats against the witnesses only served to enhance their credibility in the Mack legal proceedings.

147. [REDACTED]

[REDACTED] internal Army investigation Board looking into Helen Mack's accusations.

[REDACTED] suspected that Otto Barrios Longo was the probable source for Helen Mack's belief [REDACTED]

[REDACTED] Barrios was reported to have an ax to grind with the security services due to his involvement with narcotics traffickers and commerce in stolen cars. Barrios was noted to be a principal government contact of Helen Mack's [REDACTED]

148. [REDACTED]

149. February [REDACTED] 1993 Station Report. [REDACTED]

[REDACTED] Army intelligence officers believed the conviction of Beteta and his sentence of 30 years in prison was political in nature. [REDACTED]

[REDACTED] these officers remained hopeful that the conviction will be overturned. The officers also believed that the court was forced to convict Beteta because President Serrano was pressured by human rights organizations who were tools of the

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URNG. The officers also believed that the URNG was behind Helen Mack's attempt to prosecute the individuals in Beteta's chain of command as well. The officers viewed this as an URNG tactic to attack the Army as an institution in the name of human rights.

150. [REDACTED]

151. [REDACTED]

152. April [REDACTED] 1993 Station Report. [REDACTED]

[REDACTED] accused by Helen Mack were confident the Guatemalan Supreme Court would deny any motion to reopen the investigation [REDACTED] in the murder of Mack. [REDACTED] expected Helen Mack to take the case outside Guatemala to the Organization of American States.

153. [REDACTED]

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154. [REDACTED]

[REDACTED] denied [REDACTED] any knowledge of or participation in any case of human rights violations, including the Mack and Urrutia cases. However, [REDACTED] fully expected that a Commission of the Past or a Truth Commission would investigate [REDACTED] military officers. [REDACTED] could not rule out [REDACTED] might be accused of being involved in various crimes that the URNG might try to attribute to [REDACTED] intelligence organizations.

155. **May 3, 1993 Station Report.** The Station advised Headquarters that Beteta's conviction was upheld by the Guatemalan Appeals Court on April 29, 1993. The Appeals Court denied a motion by the Mack family attorney to expand the case in order to investigate others who were allegedly involved. The Mack attorney planned to appeal this decision to the Supreme Court. The source of the information was the April 30, 1993 edition of the Guatemalan daily newspaper El Grafico.

156. **May [REDACTED] 1993 Station Report.** [REDACTED]

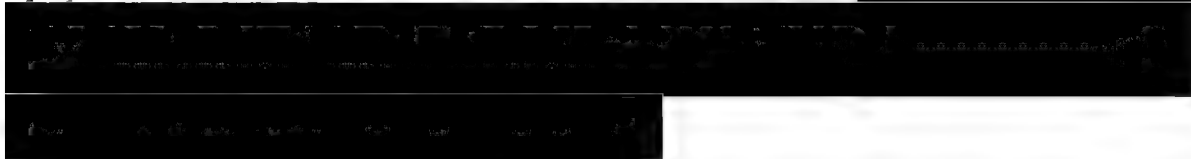
[REDACTED] noted there was a considerable amount of disinformation in Guatemala concerning human rights violations. According to [REDACTED] at the first sign of a potential human rights problem, [REDACTED] or the military are immediately held to blame. Therefore, the Station advised it would investigate all accusations involving [REDACTED] contacts to determine the veracity of the accusations prior to reporting details. If a good possibility existed that [REDACTED] contact was involved, the Station intended to seek guidance from Headquarters.

157. [REDACTED]



158. May [REDACTED] 1993 Intelligence Report. [REDACTED]

[REDACTED] officers involved in the peace process cited the Mack murder as one of the more violent and politically costly actions undertaken by the Presidential Security Services and for which the D-2 had been blamed. [REDACTED]



159. The Station sent the information to Headquarters [REDACTED]

[REDACTED] May [REDACTED] 1993, and it was disseminated [REDACTED] on the same date [REDACTED]



[REDACTED]

160. July [REDACTED] 1993 Station Report. [REDACTED]

[REDACTED]

[REDACTED] in the daily Siglo Veintiuno, Editorialist Marta Altolaguirre referenced the Mack murder and she noted that, in criminal cases involving the military, the commanders as well as the soldiers had responsibility.

161. September [REDACTED] 1993 Station Report. In this report to Headquarters, the Station provided [REDACTED] information indicating that Beteta, the convicted killer of Mack, escaped from Pavoncito Prison on September 23, 1993. The escape occurred during a small uprising and he subsequently was recaptured along with 38 other prisoners.

162. February [REDACTED] 1994 Station Report. A Station report to Headquarters noted that the Supreme Court resolved to leave open the legal proceeding against others allegedly involved in the Mack murder. This decision allowed prosecutors to investigate and try retired General Godoy, and Lieutenant Colonels (Lt. Col.) Juan Valencia Osorio and Juan Guillermo Oliva for their alleged connection to the killing. Valencia was the Commander of the First Battalion of the Military Ambulatory Police. Oliva was the Chief of the Counterintelligence Division of the D-2.

163. February [REDACTED] 1994 Station Report. The Station advised Headquarters of open source information published on February 11, indicating that the investigation of the Mack murder should continue. News articles reported that the Supreme Court took under consideration claims made by Helen Mack and convicted murderer Beteta that the Mack murder was ordered by officials of the Presidential General Staff. [REDACTED]

[REDACTED]

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[REDACTED]

164. March [REDACTED] 1994 Intelligence Report. [REDACTED]

[REDACTED]
Information was obtained that related to the divisions within the
Guatemalan Armed Forces. [REDACTED]
[REDACTED]

165. The information was forwarded to Headquarters [REDACTED]
[REDACTED] and disseminated [REDACTED] on
March [REDACTED] 1994, [REDACTED]

[REDACTED]

[REDACTED]

166. April [REDACTED] 1994 Station Report. The Station advised
Headquarters that Jorge Lemus, a Guatemalan journalist and
convicted criminal who was in prison with Beteta, offered the
Embassy information concerning the Mack case. Specifically, Lemus
claimed that he had conducted and taped interviews with Beteta. He
provided copies to the Embassy's Human Rights Officer, although

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the legitimacy of the taped interviews was in question as they reflected Beteta claiming he received an order from Valencia to murder Mack. The Embassy doubted that Beteta would make such a claim on tape or trust Lemus.

167. Beteta also reportedly stated that [REDACTED] who was the Deputy Chief of the Department of Presidential Security at the time of Mack's murder and one of Beteta's supervisors, was not involved in the planning or carrying out of the murder. [REDACTED]

[REDACTED] depending on the legitimacy of the tapes, this could vindicate [REDACTED]. As Helen Mack did not appear to doubt the validity of the interviews, [REDACTED] hoped that she would drop [REDACTED] name from the list of others who were allegedly involved in her sister's death.

168. [REDACTED]

[REDACTED]

169. [REDACTED]

[REDACTED]

170. [REDACTED]

[REDACTED]

171. June [REDACTED] 1994 Intelligence Report. [REDACTED]

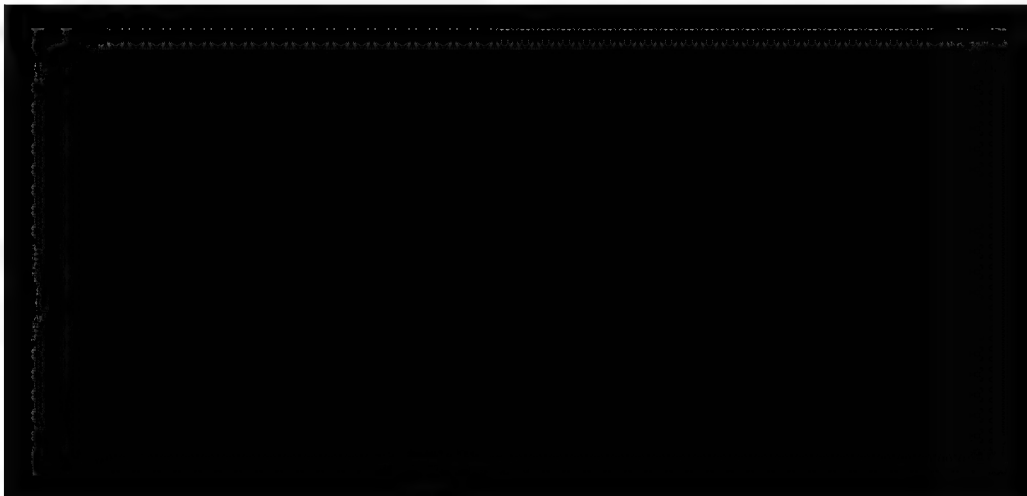
[REDACTED]

[REDACTED] Jorge Lemus, alias "El Buky," had in his possession a recent videotape of Beteta. In the videotape, Beteta purportedly stated that the murder of Mack was conducted on the orders of former National Defense Staff Chief Godoy and Colonel Valencia. [REDACTED] could not understand how Lemus could have such a videotape since [REDACTED]. [REDACTED], Beteta advised [REDACTED] he wanted to deny publicly the allegations raised by Lemus.

172. [REDACTED] if the videotape really existed and Beteta would not deny Lemus's allegations, [REDACTED] would conclude that the U.S. Embassy paid Beteta to gain his cooperation. [REDACTED] Army attempts to locate Beteta's relatives had met with negative results. [REDACTED] believed that they were taken to the U.S. under U.S. Embassy auspices. [REDACTED] the Embassy was using this refuge to persuade Beteta to turn against the military and provide false testimony.

173. [REDACTED] commented that Beteta had publicly denied Lemus's allegations that implicated military officers in the murder. [REDACTED] noted the growing military distrust of the U.S.

174. The Station sent the information to Headquarters on [REDACTED] and it was disseminated [REDACTED] on June [REDACTED] 1994, to:



[REDACTED]

[REDACTED]

175. June [REDACTED] 1994 Station Report. The Station indicated that Beteta was transferred to a police hospital after a second suicide attempt. Following the first attempt, Beteta denied having tried to take his own life. In this second instance, police reportedly found Beteta trying to hang himself in his cell. He was returned to the Zone 18 Central Penitentiary the next day.

176. July [REDACTED] 1994 Station Report. The Station reported that Lemus played an audio tape for journalists in which Beteta admitted that he surveilled and later killed Mack. Beteta stated that he did this on orders from the former Presidential Security Service Commander, Valencia.

177. [REDACTED]

[REDACTED]

178. [REDACTED]

[REDACTED]

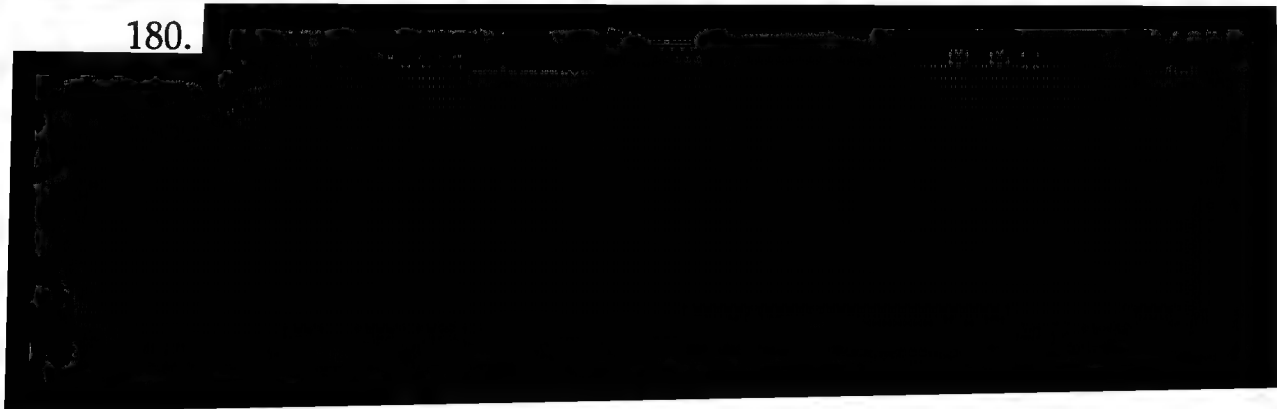
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[REDACTED]

181. December [REDACTED] 1994 Station Report. The Station reported that the Constitutional Court [REDACTED] ruled that General Godoy, Lt. Cols. Oliva and Juan Valencia and Specialists Juan Jose Larios, and Jose Del Cid Morales must stand trial for their alleged involvement in the Mack murder. All worked in military intelligence at the time of the murder.

182. December [REDACTED] 1994 Station Report. The Station advised that Chang had stated her intent to press charges against five more military officers whom she accused of being involved in her sister's death.

183. [REDACTED]

[REDACTED]

184. [REDACTED]

[REDACTED]

185. December [REDACTED] 1994 Station Report. [REDACTED] provided information on recent developments in the Mack case. Specifically, the Supreme Court had confirmed the sentence given to Beteta and left open the legal proceeding against senior military officers. The Station noted that the thrust of current U.S. efforts in Guatemala was to pressure both the Army and Government officials to pursue pending human rights cases. Guatemalan officials were noted to have taken deliberate steps to effect reform in the human rights arena and end irregular practices

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sanctioned in the past. The Station also indicated that human rights violations continued and the Army would, in all probability, never allow full disclosure for fear that this would be its demise. Headquarters was sent an information copy of the report.

186. [REDACTED]

187. [REDACTED]

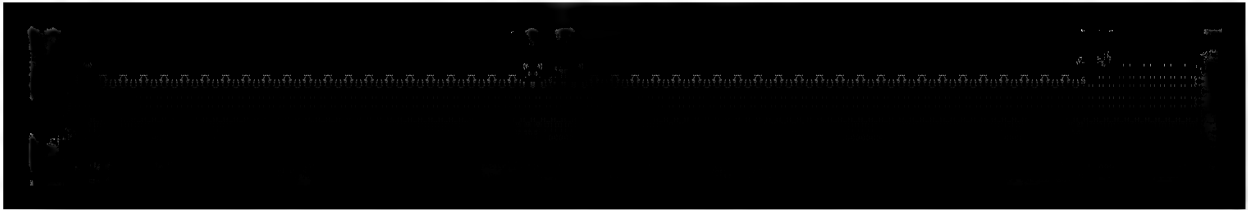
188. February [REDACTED] 1995 Station Report. [REDACTED]

[REDACTED] issues concerning
[REDACTED] the Mack murder.

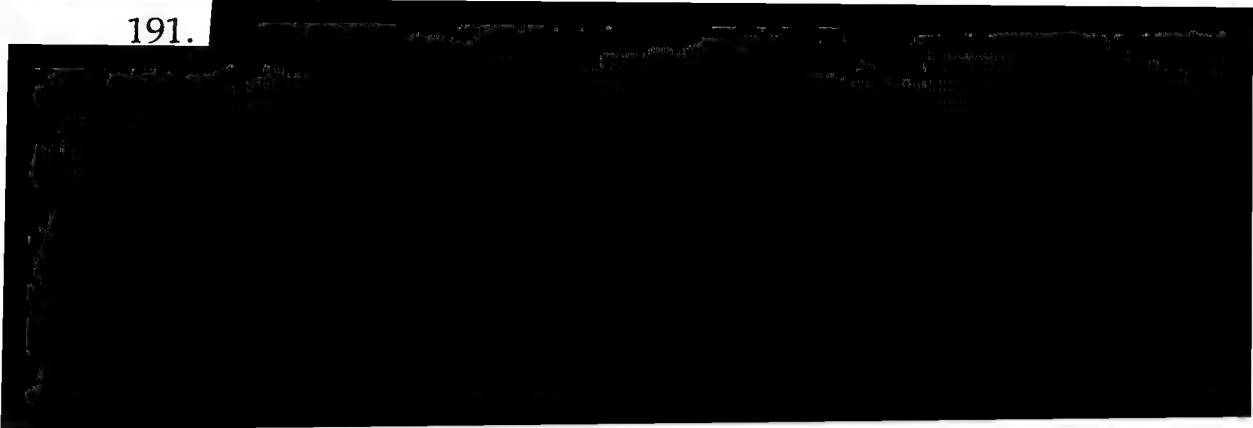
189. [REDACTED]

190. [REDACTED]

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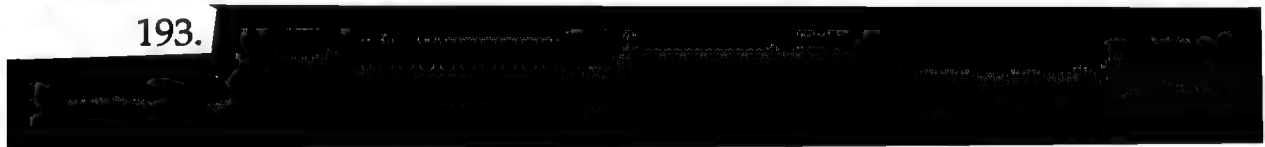
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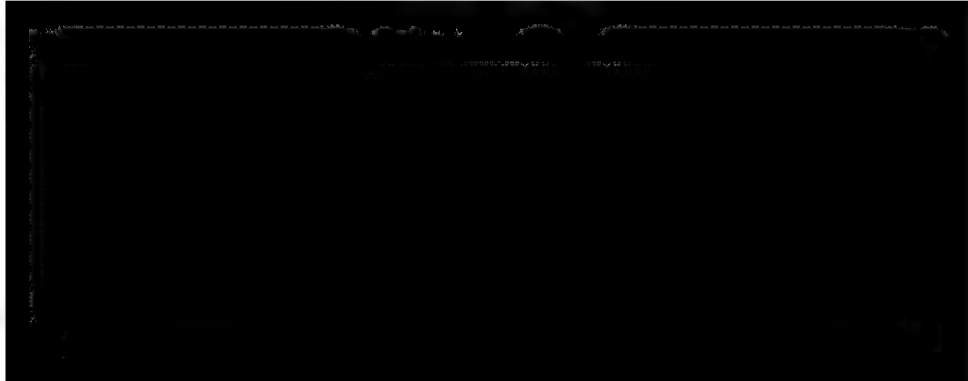


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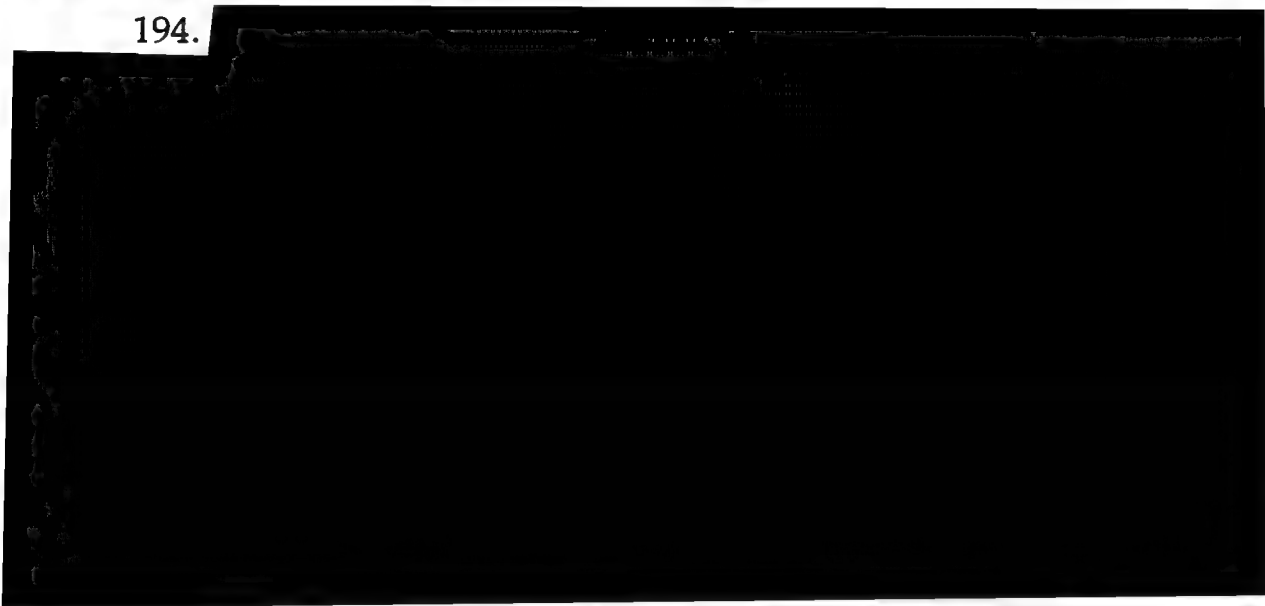


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194.



195. July [REDACTED] 1995 Station Report. This report documented the results of the search by Station officer [REDACTED]. [REDACTED] The search was prompted by a [REDACTED] Headquarters' request on the previous day. The search did not produce any new documents relating to the Mack case.

Other Reporting

196. Reports from the Department of State, FBIS and [REDACTED] in Agency files detail U.S. efforts to locate Beteta and return him to Guatemala for trial. They also address the legal proceedings relating to Beteta, the murder of Police Officer Merida, and the pursuit of other officers alleged to have been involved in the Mack murder. The most significant of the over 100 of these reports are summarized below:

- ◆ **September 19, 1990 Embassy Telegram.** Guatemalan Deputy Human Rights Ombudsman Alvarez told the Embassy that he believed the killing of Myrna Mack was almost certainly the result of a robbery and not political. He based his conclusion on the fact that the murderer stole credit cards and knifed his victim to death.
- ◆ **October 1, 1990 Embassy Telegram.** The Embassy Human Rights Summary report mentioned that Myrna Mack was stabbed as a result of a robbery attempt.
- ◆ **November 9, 1990 Embassy Telegram.** Helen Mack told the Deputy Chief of Mission that her sister's investigations into displaced persons in the highlands brought her to the attention of local security forces. Helen Mack believed that it was likely that her sister was killed by someone close to or in the security forces because her sister's killers inflicted more than 30 stab wounds in vital places, indicating that the killers knew what they were doing. Helen Mack requested U.S. assistance in conveying her concerns about the murder to the President of Guatemala.
- ◆ **January 25, 1991 Embassy Telegram.** The Embassy reported that an Americas Watch letter

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requested termination of a DoJ police training program due to the murders of Mack and the others. The Embassy noted police behavior in the Mack case indicated a need for more trained policemen, not fewer. It further stated that, although there was no evidence, there was a stated assumption, that a Guatemalan Government Agency had Mack under surveillance and committed her murder.

- ◆ **July 5, 1991 Embassy Telegram.** A Guatemalan judge issued a warrant--based on an investigation by Attorney General Valladares--for the arrest of Beteta. On July 4, Valladares declared that the investigation concluded Beteta was part of a conspiracy and his arrest and interrogation were essential to unravel the plot.
- ◆ **July 12, 1991 Embassy Telegram.** The Embassy noted attempts to locate Beteta had been unsuccessful. However, Embassy files indicated he applied for a tourist visa on November 6--seven weeks after the murder. The visa application was refused under Section 214(b) of the Immigration and Naturalization Act. The Embassy commented that, even though the visa was denied, Beteta could be in the U.S. It further commented that the information regarding the visa application would be passed to Valladares.
- ◆ **August 11, 1991 Embassy Telegram.** The Guatemalan Armed Forces issued a press communiqué indicating Beteta "is no longer enrolled in the Army." Local press reports indicated that Merida was murdered on August 5 because he had discovered that Beteta was one of Mack's murderers.

- ◆ **August 12, 1991 Embassy Telegram.** Human Rights Ombudsman De Leon stated that he believed Army officers were acting "extra officially" and were behind some of the recent murders in the city, including the murder of Merida. De Leon, Valladares, and the Archbishop's office linked the Merida murder to Mack's murder. However, according to the Embassy, there was no evidence to support the linkage.
- ◆ **August 27, 1991 Embassy Telegram.** The National police arrested Gonzalo Cifuentes Estrada, aka Antonio Guzman, and charged him with the August 9 murder of Merida. The National Police continued to search for the other men implicated in the murder. The Archbishop's office continued to argue that Merida was killed because of his work on the Mack case. The Embassy commented that the evidence indicated that Merida was not killed because of his role in the Mack murder.
- ◆ **September 5, 1991 [REDACTED] Report.** According to [REDACTED] the assassination of Merida was the responsibility of an individual who was seeking personal revenge against Merida. The Guatemalan Army was instrumental in helping resolve the case, according to [REDACTED]
- ◆ **October 11, 1991 Embassy Telegram.** Key members of the Guatemalan Government's peace talks team asked the U.S. to reduce its criticism of Guatemala's human rights record. Team members explained that the murder of Merida was definitely not linked to Mack's case. The Embassy noted that team members could not provide evidence that any progress had been made in the

case other than the issuance of an arrest warrant for a suspect who could not yet be found.

- ◆ **October 16, 1991 Embassy Telegram.** Ambassador Stroock met with Presidential Aide Neumann to discuss the President's Human Rights Advisory Commission. Neumann stated his hope that the Commission would start with the more notorious human rights violations cases--Mack, DeVine and the Santiago Atitlan massacre.
- ◆ **October 18, 1991 Embassy Telegram.** The Embassy noted that not much had been done to find Beteta, and requested that the State Department in Washington contact INS and the Los Angeles Police Department to check on whether Beteta was in Los Angeles.
- ◆ **December 3, 1991 Embassy Telegram.** The Guatemalan press announced the arrest of Beteta on November 29, and the kidnapping of Helen Mack's uncle, Augusto Chang, the next day. The Mack family reportedly was concerned that the arrest and the kidnapping were linked. Mack family members told Embassy officers that the kidnappers contacted them and stated they would make a ransom demand. The Mack family attorney stated he believed that Beteta killed Myrna Mack. The attorney noted that there were two witnesses who were afraid to come forward.
- ◆ **December 4, 1991 Embassy Telegram.** Ambassador Stroock expressed concern to President Serrano about the safety of the Mack family due to the arrest of Beteta and the kidnapping of Augusto Chang. According to the Embassy, the kidnapping of Chang was most likely not linked to Beteta's arrest because the

kidnappers could not have been aware of the arrest at the time of the kidnapping. On behalf of the Mack family, Stroock asked Serrano to do everything he could to bring about Chang's release and to ensure the safety of other family members.

- ◆ **December 5, 1991 Embassy Telegram.** INS returned Beteta from Los Angeles to Guatemala. Beteta was taken into custody but denied murdering Mack. Press reports indicated Chang was freed unharmed the same day. Helen Mack, however, reported that her uncle was still in the hands of kidnappers.
- ◆ **December 12, 1991 Embassy Telegram.** Mack family members told Stroock that they believed they were under surveillance by unknown individuals and that they feared for their personal security. Although the Mack family stated publicly that common criminals were responsible for the kidnapping of Chang, Myrna Mack's father told Stroock that he feared the incident might be related to his daughter's murder investigation.
- ◆ **December 16, 1991 Embassy Telegram.** Representatives from human rights and labor groups met with Stroock. Daniel Saxon of the Archbishop's office stated that he believed the murder of Merida was politically motivated.
- ◆ **December 16, 1991 Embassy Telegram.** The Embassy reported that Presidential Advisor Neumann planned to visit the State Department in Washington on January 13. The Embassy noted that, because he was the head of the Presidential Coordinating Committee for Human Rights, he should be met by officials at the appropriate level.

- ◆ **December 20, 1991 Embassy Telegram.** American Attorney Daniel Saxon, who represented the Mack family, believed that Mack's accused murderer would probably be tried and a verdict obtained in less than a year. He noted that there was very little evidence against Beteta and doubted he would be convicted.
- ◆ **December 31, 1991 Embassy Telegram.** A Guatemalan judge found sufficient evidence to continue criminal proceedings against Beteta for the murder of Mack. Also, the Guatemalan Interior Minister fired the head of the country's penal system, ostensibly for his failure to produce Beteta for a line-up in accordance with court orders.
- ◆ **February 26, 1992 Embassy Telegram.** A civilian judge transferred criminal proceedings against Beteta from a civilian to a military court. The Guatemalan Attorney General appealed the transfer order. The Embassy noted that the transfer could provide legal and political advantages to the Mack family.
- ◆ **March 20, 1992 Embassy Telegram.** The Embassy issued a Guatemala Human Rights Summary for January and February that mentioned transfer of Beteta's case to a military court. It also mentioned the murder of Merida as occurring for personal and not political reasons.
- ◆ **May 14, 1992 Embassy Telegram.** The Mack murder case was transferred from military to civilian court. A new judge was assigned, the twelfth judge to preside over the case. The case was scheduled to go to trial in the near future.

- ◆ **June 24, 1992 Embassy Telegram.** According to the Director of the Guatemalan Archbishop's Human Rights office, proceedings against Mack's accused murderer were bogged down in discovery motions over the release of government documents.
- ◆ **September 25, 1992 Embassy Telegram.** Supreme Court President Rodil told the DCM that he believed there was evidence implicating Beteta in the death of Mack. Rodil stated that the current judge in Mack's case wanted to withdraw from the case because he considered his life in danger.
- ◆ **October 6, 1992 Embassy Telegram.** The Mack murder trial was underway. Two eyewitnesses identified Beteta as one of several persons surveilling Mack just prior to her death.
- ◆ **October 22, 1992 Embassy Telegram.** A letter from Assistant Secretary Bernard Aronson to the Guatemalan Ambassador in Washington encouraged the Government of Guatemala to follow up on a recent court ruling on evidentiary issues in the Mack trial. Guatemalan President Serrano agreed to ensure that evidentiary issues were addressed.
- ◆ **October 23, 1992 [REDACTED] Report.** A [REDACTED] reported that the mid-level Guatemalan officer corps was disgruntled about the handling of the Mack case.
- ◆ **October 31, 1992 Embassy Telegram.** A new judge—Carmen Ellguter—was assigned to the Mack case. She was said to be making good faith efforts to obtain all relevant evidence. An eyewitness to the murder testified that he saw two men grab

Mack and throw her to the ground. Both assailants, he said, had knives. Mack, according to the eyewitness, was dead when the assailants departed the scene. The Embassy commented that the trial of Beteta should conclude in November with a verdict expected in late November.

- ◆ **November 18, 1992 Embassy Telegram.** The Embassy issued a Human Rights Summary for September and October. It reported on the assignment of a new judge and the testimony of two witnesses who saw Beteta at the murder scene just prior to Mack's killing. Mack's attorneys hoped for an initial verdict in November.
- ◆ **December 7, 1992 State Telegram.** Bernardo Neumann told Aronson that he was personally committed to resolving the Mack murder case, adding that he had evidence against two active duty military officers. He said that he believed the Army had Mack killed because she was writing on the displaced in Guatemala.
- ◆ **January 20, 1993 Embassy Telegram.** As the trial court proceedings resumed, the judge agreed to investigate further Beteta's claim that he could not have murdered Mack because his hand was injured at the time. A doctor had testified in the case that the hand injury was not serious enough to prevent Beteta's stabbing Mack. The Judge expected a verdict on February 16 or 17.
- ◆ **January 29, 1993 Embassy Telegram.** The Guatemalan Congress approved the transfer of Judge Ellguter to a higher court, which meant that her role in the Mack case would probably end the first week of February. Helen Mack stated that the transfer was a favor by Rodil to President Cerezo.

Meanwhile, a doctor changed his testimony and stated that Beteta could not have killed Mack because he was unable to hold the knife used to stab her to death because of a hand injury.

- ◆ **February 4, 1993 FBIS Report.** The defense attorney filed a motion requesting the annulment of a deposition made by a key witness in the trial against Beteta.
- ◆ **February 9, 1993 Embassy Telegram.** Two eyewitnesses in the Mack case departed Guatemala for Canada. Within three days of their departure, the Canadian Consul in Guatemala was threatened and the Canadian Embassy was broken into. The two witnesses told the Canadian Consul that they had witnessed the murder of Mack by two men. They stated that they saw one man hold her down while the other one stabbed her.
- ◆ **February 13, 1993 FBIS Report.** The Guatemalan media reported on February 12 that Beteta had been found guilty of murdering Mack. He was also found guilty of critically injuring another individual.
- ◆ **February 16, 1993 Embassy Telegram.** The Mack murder trial closed with the conviction and sentencing of Beteta to 30 years in prison. The Embassy commented that the Beteta conviction was an extremely positive development.
- ◆ **March 8, 1993 State Telegram.** Assistant Secretary Aronson met with Helen Mack, discussed the status of her sister's murder case, and assured her that the U.S. would continue to push the Guatemalan Government to provide security to

her and others involved in seeking prosecution of human rights violations.

- ◆ **March 9, 1993 Embassy Telegram.** Former Rebel Armed Forces leader Danilo Rodriguez told an Embassy political officer that he believed Myrna Mack was killed because she was working with Padre Falla. Rodriguez explained that Falla was a priest who was affiliated with the Guerrilla Army of the Poor. He stated that at the time of Mack's death, both Mack and Falla were engaged in work involving displaced persons. He added that, at the time of Mack's death, the EGP controlled Mack's employer—Avansco.
- ◆ **March 10, 1993 Embassy Telegram.** The Embassy Human Rights report for January and February mentioned the Mack trial and the conviction of Beteta. It also mentioned that unknown persons threatened key trial witnesses and the Director of Avansco.
- ◆ **March 23, 1993 Embassy Telegram.** The Embassy reported that a Guatemalan appellate court held a March 22 public hearing to review the trial verdict in the Myrna Mack murder and to consider whether further proceedings were appropriate against the superiors of the convicted murderers. Helen Mack called for confirmation of the February 12 murder conviction of Beteta and prosecution of his superiors for involvement in the crime. The Guatemalan Attorney General's office supported the trial verdict and further investigation of others.
- ◆ **May 1, 1993 Embassy Telegram.** The Embassy recommended that the U.S. Government issue no statement regarding the prison sentence for Beteta

being upheld because it might imply support for the decision to dismiss charges against his superiors. The Embassy believed that a statement alone welcoming the Beteta conviction would imply U.S. support for the decision to dismiss charges against Beteta's supervisors.

- ◆ **October 14, 1993 Embassy Telegram.** The Embassy issued its 1993 Country Human Rights Report for Guatemala mentioning that Beteta was sentenced to 30 years for the murder of Mack and the unrelated beating of a minor. The report noted that the conviction was being appealed and that Helen Mack was seeking prosecution of other military personnel. The report also stated that Helen Mack received death threats, and that Beteta escaped from jail but was recaptured shortly afterwards.
- ◆ **April 12, 1994 Embassy Telegram.** Helen Mack asked the U.S. to consider granting Beteta's family humanitarian parole as an inducement for Beteta to name his coconspirators in the death of Myrna Mack. Beteta revealed to Embassy officers that he was ordered to murder Mack by Colonel Juan Valencia.
- ◆ **July 19, 1994 [REDACTED] Report.** The [REDACTED] that Lt. Col. Oliva was reassigned from Chief of the Counterintelligence Division (D-2) to Chief of the Academic Department of the Escuela Politecnica. [REDACTED] commented that Oliva was linked to Mack's murder and was a career intelligence officer. However, [REDACTED] reported that it could not be determined if Oliva "fell from grace" or if the transfer was meant to be career enhancing.

- ◆ **July 20, 1994 Embassy Telegram.** The Embassy issued a Human Rights Summary covering January-March 1994. The summary reported that little progress had been made in the investigation and prosecution of human rights cases except for the confirmation of the Supreme Court's sentence of Beteta. The report stated that former prisoner Lemus had made overtures to the Embassy that Beteta would reveal Mack's killer in exchange for U.S. assistance. Lemus provided tapes of conversations with Beteta. However, there was not enough evidence on which to base further convictions. The Embassy reported its disassociation from Lemus, and noted that Beteta attempted suicide on June 16 and 17.
- ◆ **October 25, 1994 Embassy Telegram.** The Embassy issued a Human Rights Summary covering April-August and noted that there were two lawsuits concerning Mack before the Constitutional Court. The first lawsuit was an appeal of a Supreme Court decision that held there was sufficient evidence to keep open the investigation against others who were alleged to have been involved in the Mack killing. The second was an appeal by Helen Mack of a decision not to release government documents concerning her sister's murder.
- ◆ **December 9, 1994 [REDACTED] Report.** [REDACTED] reported that the Guatemalan Army nominated Lt. Col. Valencia as a representative to "Fuersas Unidas," then withdrew his name because of his alleged involvement in the murder of Mack. Two other officers said to be involved in the Mack murder were Godoy and Oliva who were in Beteta's chain of command.

- ◆ **December 29, 1994 Embassy Telegram.** The Embassy issued its annual Human Rights Report noting some progress on the Mack case in February and December. In February, according to the Report, the Supreme Court confirmed the 25-year sentence given Beteta and left open legal proceedings against others alleged to have been involved in the crime. In December, the Report stated that the Constitutional Court ruled in favor of Helen Mack that the case against the others could proceed, but had denied release of Government documents regarding Mack's death.
- ◆ **January 4, 1995 Embassy Telegram.** The Constitutional Court declined to review the Supreme Court's decision that allowed for a continuation of the case against others alleged to have been involved in the Mack murder. However, it reaffirmed the Supreme Court's ruling that Government documents regarding Mack's murder did not have to be turned over to Helen Mack. Mack stated that she planned to file another motion requesting file access and noted she was considering asking the U.S. Congressional Human Rights Caucus to obtain U.S. Government files for her.
- ◆ **March 11, 1995 State Telegram.** State Department Press Guidance indicated that participation by Guatemalan military personnel in International Military Education and Training programs in the U.S. had been canceled for the remainder of 1995 due to concern over a lack of progress on various human rights cases, including the Mack case.
- ◆ **May 9, 1995 Embassy Telegram.** Peace Commission member Peter Lamport told Ambassador McAfee that he thought the

Guatemalan system was in a state of overload in regard to human rights issues. Lamport suggested the U.S. focus on areas where progress was possible by shifting from the Executive Branch and the Army to the judicial system.

- ◆ **June 14, 1995 [REDACTED] Report.** A [REDACTED] reported that it was general knowledge in the Army that Defense Minister Enriquez is financially supporting Colonel Garcia, Colonel Alpirez and former General Godoy. Reportedly, the Army was paying several hundred thousand quetzales in lawyer fees for Godoy and one hundred thousand quetzales a month for each of the lawyers representing the two colonels. [REDACTED] revealed that Godoy was implicated in the Mack case.
- ◆ **July 24, 1995 Embassy Telegram.** The UN Human Rights Verification Commission report indicated that Helen Mack filed suit against others she alleged were responsible for her sister's murder due to a lack of progress by the Guatemalan Government.
- ◆ **July 26, 1995 Embassy Telegram.** Helen Mack told McAfee that there appeared to be no political will to solve her sister's murder. Mack noted that Ramses Cuestas had said that no special prosecutor would be named. She asked when U.S. documents relating to the case would be declassified. The Embassy commented that the Guatemalan Government decided to reopen Mack's case to examine the involvement of Oliva and Godoy.

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Personnel Recollections

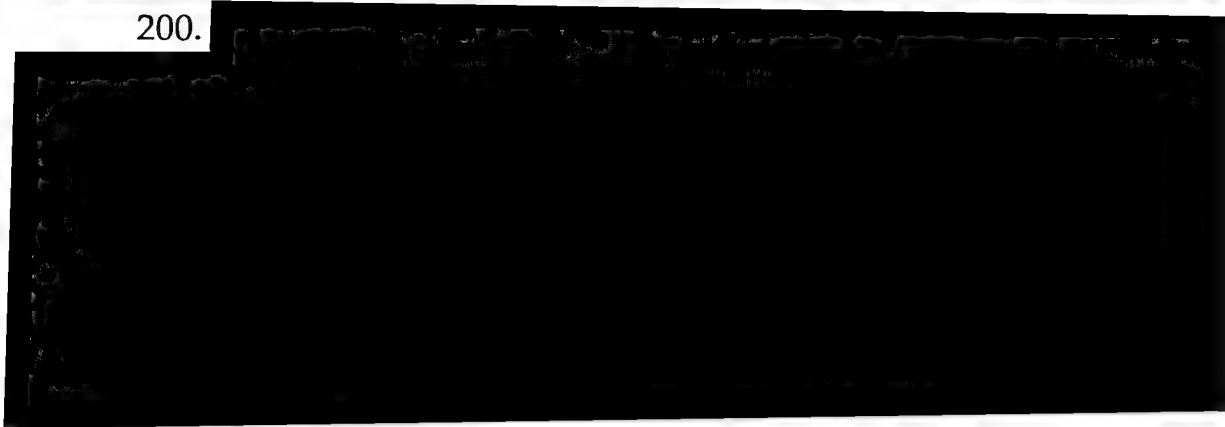
197. CIA personnel generally recall Station reporting regarding the Guatemalan who was accused and convicted of Myrna Mack's murder. They also recall Station reporting regarding Helen Mack's active pursuit of allegations that the military hierarchy was also involved in the murder.

198. 

199. 



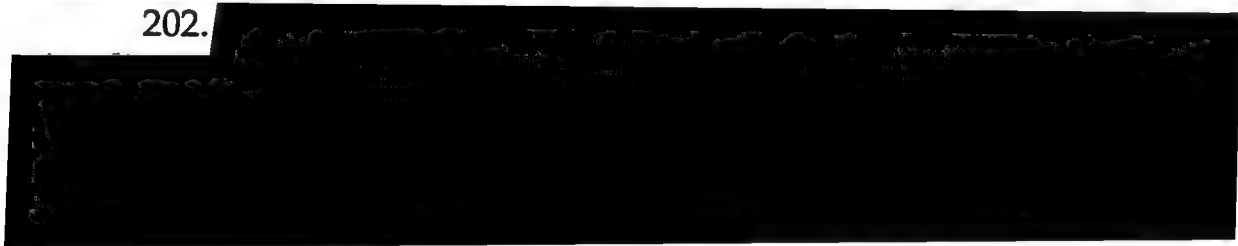
200.



201.



202.



203.



204. [REDACTED]

THE DEATH OF PETER TISCIONE

205. A May 15, 1995, New York Times article indicated that Peter Tiscione was an archeologist from New York who was in Guatemala in August 1992 conducting research on Mayan pottery. He was found dead in a hotel room on August 23, 1992. The Guatemalan police investigation determined that Tiscione stabbed himself to death with a machete. Tiscione had a history of manic depression and was taking medication to control the illness. The article quoted Representative Robert G. Torricelli as questioning the police findings. A search of CIA records identified one related DO document.

CIA Reporting

206. July [REDACTED] 1995 Station Report. This report documented the results of a search by [REDACTED] of Guatemala City Station's [REDACTED] files [REDACTED]. The search was prompted by a [REDACTED] Headquarters' request on the previous day. The search did not produce any [REDACTED] documents relating to Tiscione.

Other Reporting

207. One FBIS media translation, one State telegram, and one Embassy telegram were located.

- ◆ **August 26, 1992 FBIS Report.** This FBIS document reflected Guatemala City Siglo Veintinuo's article on the death of Tiscione in the Panamerican Hotel. Tiscione was found in a bathtub on August 22 with four neck wounds inflicted with a machete. The discovery of his body was prompted by a telephone call to a hotel receptionist who checked his room, discovered the body and notified police. The police report indicated that the killers left the machete on Tiscione's chest and did not steal his jewelry.
- ◆ **May 15, 1995 State Telegram.** State sent a widely disseminated telegram to its embassies and consulates providing detailed press guidance relating to the Tiscione death as follows: Tiscione died on August 23, 1992. A Guatemalan autopsy report reflected death by a penetrating wound to the neck. Local police and Embassy personnel were notified of the death. Tiscione had spoken with an Embassy Duty Officer to request assistance in obtaining medications. He declined the Duty Officer's offer to help. The police investigation found no evidence that Tiscione was murdered. All windows in his hotel room were closed from the inside, the room's door was locked and chained from the inside, and the only fingerprints on the machete were his own. The Embassy reviewed the police report and had no reason to disagree with its conclusion.
- ◆ **May 16, 1995 Embassy Telegram.** An Embassy telegram to Washington and the U. S. Information

Agency reported on Guatemalan media reaction. The morning dailies La Republica and Prensa Libre reported that Congressman Torricelli was calling for an investigation into the death of Tiscione. In the business oriented daily Siglo Veintiuno, a columnist wrote that the Tiscione suicide was suspicious in light of the reported use of a machete to commit the act.

Personnel Recollections

208. CIA personnel had no direct knowledge relating to Tiscione or the circumstances surrounding his death. Ambassador Stroock, who served in Guatemala at the time of Tiscione's death, indicates a strong belief that this death was a suicide.

THE BEATING OF JUNE WEINSTOCK

209. June Weinstock was a 51-year-old environmental consultant from Fairbanks, Alaska who visited Guatemala in March 1994. While watching an Easter parade in San Cristobal, Weinstock touched the head of a child and was falsely accused of an attempted kidnapping. A mob of at least 1,000 surrounded the building where she took refuge and eventually broke into the building. Weinstock was stripped, stoned, stabbed repeatedly, and beaten unconscious by her assailants. She suffered permanent brain damage as a result of the beating. As of June 1994, she resided at a nursing home in Fairbanks and was unable to walk or talk.

CIA Reporting

210. A 1987 Station Report first explained the anti-American views of the URNG and described the long-standing belief that U. S. citizens kidnapped Guatemalan children to sell body parts for use in transplant operations in the U. S. This belief set the scene for the attack on Weinstock. Four Station Reports and one Intelligence Report, based on information obtained through the Embassy or

provided by [REDACTED] referred to the Weinstock beating. The reports described the events leading up to the attack and the implications of a U. S. travel advisory issued by State.

211. June [REDACTED] 1987 [REDACTED] Portions of a June 12 broadcast of the clandestine radio of the URNG [REDACTED] The broadcast adopted an anti-American and anti-D-2 tone. The Ambassador was criticized for strengthening physical security in and around the Embassy. The broadcast accused U. S. citizens of kidnapping Guatemalan children for sale in the U. S., mutilating them and then using their organs for transplant operations to save the lives of critically ill children in the U. S. The broadcast attempted to legitimize the allegations by noting that an official protest was filed with Guatemalan police authorities regarding the kidnap, sale and mutilation of Guatemalan children by U.S. persons.

212. March [REDACTED] 1994 [REDACTED] that there was an ongoing and long-standing hysteria in Guatemala as a result of allegations that U. S. citizens were kidnapping Guatemalan babies in order to sell them or their organs in the U. S. [REDACTED] believed that the attack on Weinstock was not the result of a Guatemalan police or military campaign directed against U. S. citizens. In the Weinstock incident, a crowd of Guatemalans accused her of attempting to kidnap a child. The local police force was unable to provide Weinstock protection from the crowd, and the military forces from Coban arrived too late to prevent the violence.

213. April [REDACTED] 1994 [REDACTED] investigation of the Weinstock beating. The chain of events started when Weinstock touched the head of a child and was accused by the child's mother of an attempted kidnapping. A crowd gathered and began to strike Weinstock. She fled and sought help from uniformed members of the national police, who led her to the local magistrate's office. Various striking employees of the Ministry of Communications and Public Works, Highways Department, who were armed with machetes and clubs, incited the

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crowd that had gathered at the magistrate's office. The crowd eventually entered the office and beat Weinstock severely. Simultaneously, three individuals set fire to the building. Military reinforcements assisted national police in arresting 20 Guatemalans identified as mob leaders and participants in the riots and assault.

[REDACTED]

[REDACTED]

214. April [REDACTED] 1994 Intelligence Report. [REDACTED]

[REDACTED] Guatemalan President DeLeon [REDACTED] expressed his disappointment with the handling of issues that had led the U. S. Government to issue a travel warning for Guatemala. He specifically referred to the Weinstock beating, press accounts of rumors indicating that foreigners were involved in kidnapping Guatemalan children, and the actual comportment of Guatemalan citizens.

[REDACTED]

[REDACTED]

215. This information was sent to Headquarters on April [REDACTED] 1994 and disseminated [REDACTED] on April [REDACTED] 1994 to:

- NSA;
- State, INR;
- DIA;
- Intelligence Units of the Army, Navy, Marine Corps;
and Air Force;
- Treasury Department;
- Department of Commerce;
- White House Situation Room;
- DOE; and USCINCSO.

216. April [REDACTED] 1994 Station Report. The Station provided an update on the Weinstock investigation. Guatemalan authorities arrested 40 people who participated in either the beating of Weinstock or in setting fire to the magistrate's office. [REDACTED] a Guatemalan news crew filmed the beating and authorities used the film to identify those who were arrested. [REDACTED]

[REDACTED] Ambassador McAfee was concerned because Army troops did not arrive on the scene until 30 minutes after the attack on Weinstock. However, the Army troops were delayed while the military zone commander sought permission from civilian authorities to enter the zone as required by Guatemalan law.

217. [REDACTED] commented that the Ambassador and some members of the Country Team were suspicious that the Government's arrest of the 40 persons was a sham intended to frighten striking workers. [REDACTED]



218. June [REDACTED] 1994 Headquarters Cable. [REDACTED] a segment of the June 3, 1994 television program 20/20 contained information about the Weinstock incident and the mass hysteria in Guatemala about U. S. citizens kidnapping Guatemalan children for body parts. [REDACTED]

Other Reporting

219. Between March 30, 1994 and June 12, 1995, the CIA received reports from FBIS, the Guatemala Embassy, and the Guatemala DAO relating to the Weinstock incident.

- ◆ **March 30, 1994 FBIS Report.** FBIS summarized a local reporter's chronology of events leading to the beating. The reporter was the first on the scene to cover the events. Voluntary firefighters, the Departmental Red Cross, and the assistant human rights official tried to intervene, to no avail. A can of tear gas thrown by police infuriated the mob. Fire forced all of the occupants, except Weinstock, out of the building. The crowd broke into the room where Weinstock took refuge and beat her severely.
- ◆ **March 31, 1994 FBIS Report.** FBIS reported that the Guatemalan Government recognized the innocence of Weinstock and condemned the violent act. The Government appealed to the public, urging people not to be deceived by the propagation of groundless rumors aimed at creating an atmosphere of social unrest.
- ◆ **April 5, 1994 Embassy Telegram.** The Embassy reported that Embassy officers traveled to Coban, Alta Verapaz, to investigate the assault on Weinstock. The Justice of the Peace who initially took Weinstock into custody was interviewed and said that Weinstock was secure in his office until strikers from Coban joined the mob outside of his office. The mob broke into his private quarters and beat Weinstock severely. The final attack was perpetrated by 15 to 30 persons.

- ◆ April 8, 1994 Embassy Telegram. The Embassy summarized the results of a meeting that Ambassador McAfee had with the new Minister of Government. The Minister stated that mob actions against Americans and anti-American graffiti that appeared on buildings in Guatemala City were instigated by leftist groups sympathetic to the URNG. He also said that he intended to implement a psychological campaign to educate the Guatemalan populace against false rumors of Americans kidnapping Guatemalan children and selling organs for transplant operations.

- ◆ April 11, 1994 [REDACTED] Report. [REDACTED] reported [REDACTED]
[REDACTED]
[REDACTED] The report indicated that the police attempted to calm an angry crowd of 700 people surrounding the building where Weinstock sought refuge. The police requested assistance and were joined by the Governor, a local human rights ombudsman, the Archbishop, and additional police officers. These individuals tried unsuccessfully to mediate the crisis with five leaders of the mob. A group of striking highway workers, armed with machetes, arrived on the scene and distributed rocks to the crowd. Michael Anthony Lewis, a U. S. citizen who was acting as an interpreter for Weinstock, attempted to escape from the building. Police officers rushed to offer assistance to Lewis, leaving Weinstock unguarded from the mob. The Army was called in for assistance but arrived after the assault. Under Guatemalan law, the Army cannot enter a civilian community to restore order until permission is received from the proper civilian authorities, and this delayed the arrival of the troops.

- ◆ **April 22, 1995 Embassy Telegram.** The Embassy reported that it continued to apply pressure to the Guatemalan Government to improve security for Americans and others in Guatemala. The Embassy requested that the Government extend its public information campaign to dispel the lingering rumors of child kidnapping by U.S. citizens. Ambassador McAfee met with Guatemalan officials and expressed the need for a full investigation and prosecution of those responsible for the Weinstock beating.
- ◆ **April 28, 1994 Embassy Telegram.** The Embassy summarized an editorial in a Guatemalan news report that Weinstock and her translator, Michael Anthony Lewis, were victims because of a psychosis that resulted from the frequent disappearance of children in Guatemala.
- ◆ **April 28, 1994 Embassy Telegram.** The Embassy reported on the increased threat of violence and crime against Americans in Guatemala. The notion that foreigners kidnapped children to extract and sell their vital organs had circulated in Central America since at least the mid 1980's. The resurgence of the issue could be traced in part to Guillermo Carranza, who became the Deputy Attorney General for Children's Affairs in the Public Ministry in November 1993. He viewed the "baby parts" theme as a means to obtain publicity.
- ◆ **May 2, 1994 Embassy Telegram.** The Embassy provided an update on the arrests and trials of Guatemalans charged in the Weinstock case. Fifty-seven Guatemalans were arrested and 23 more were being sought in connection with the Weinstock incident. The suspects were charged with attempted murder, infliction of grievous

bodily harm, aggravated assault, and contempt of authority.

- ◆ **May 3, 1994 Embassy Telegram.** The Embassy summarized an editorial in a local newspaper. The editorial stated that the reason for the kidnappings might be that, in the U. S. , transplants were performed by murderers who call themselves doctors and who were involved in the trade of the organs of poor children destined for the children of the rich.
- ◆ **May 7, 1994 Embassy Telegram.** The Embassy reported on progress of the Guatemalan Government criminal investigation and on an investigation by Embassy officers. Embassy officers concluded that there was no evidence of political manipulation of the crowd. The mob appeared to have been motivated by labor grievances, a belief of the "baby parts" story, the demand for vigilante justice, and drunkenness. Civil and military security authorities did not take adequate steps to control the situation. Embassy officers noted that a month after the incident, despite promises to take action, the Guatemalan Government and private groups had not undertaken any campaign to refute the "baby parts" rumor, and a repeat occurrence of such an incident could not be discounted.

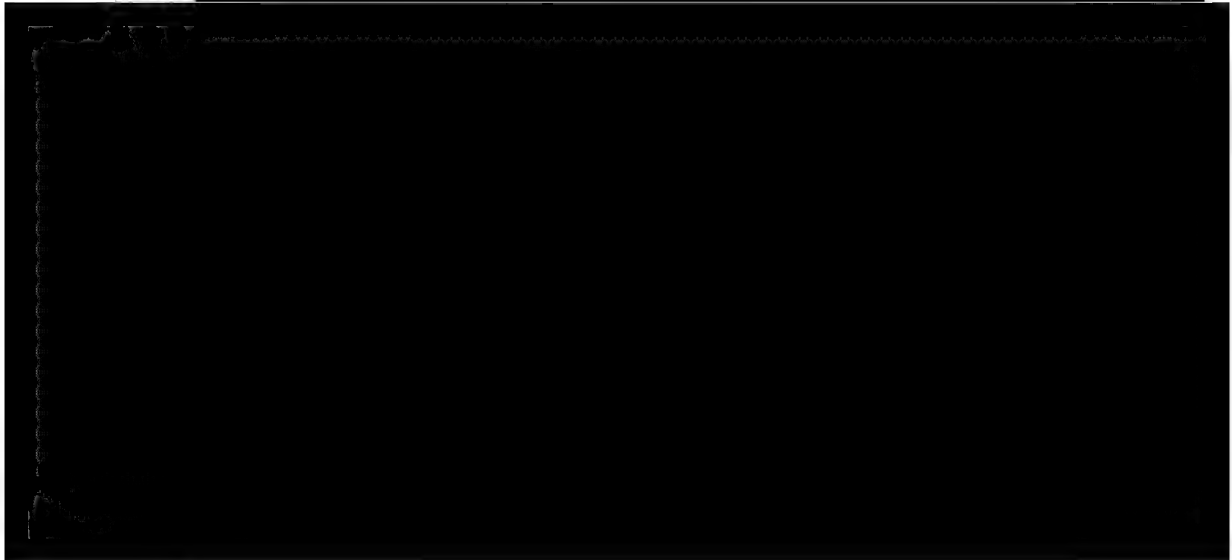


February 6, 1995 Embassy Telegram. The Embassy reported on media reaction to the court decision on the Weinstock case. The court acquitted the individuals accused of the attack because of a lack of evidence.

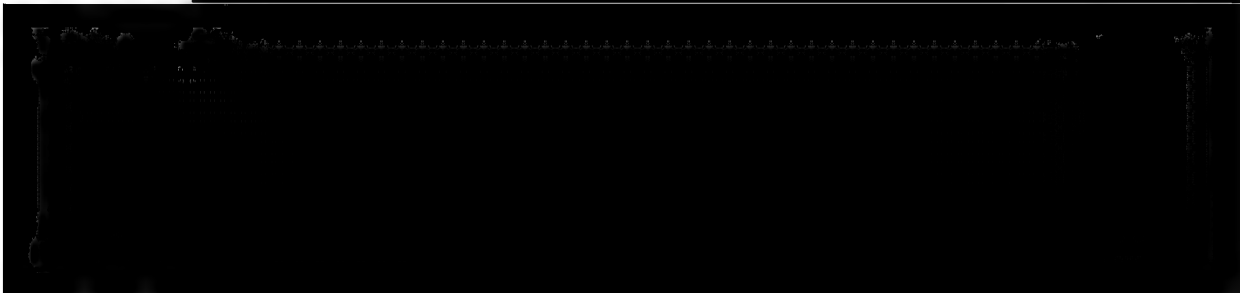
- ◆ June 12, 1995 Embassy Telegram. The Embassy reported that a special prosecutor reviewed evidence in the case and had already identified some assailants from videotapes.

Personnel Recollections

220. [REDACTED]



221. [REDACTED]



222. [REDACTED]





THE ALLEGED ABDUCTION AND BEATING OF DANIEL "SKY" CALLAHAN

223. Media reports indicate that Daniel Robert "Sky" Callahan was a Texas filmmaker who was working in Guatemala City on a documentary detailing civil rights violations. On July 7, 1995, he was forced into a car, beaten, and threatened with additional harm if he stayed in the country. Embassy reporting indicates he also had been hit with a baton by a soldier a few days earlier.

CIA Reporting

224. A search of Agency records produced [REDACTED] DO documents.

225. July [REDACTED] 1995 Headquarters Cable. [REDACTED]

[REDACTED]
[REDACTED] Chief of Station was instructed to determine [REDACTED]
[REDACTED] regarding the Callahan case and the identities of the perpetrators. The Station was further instructed to raise these issues [REDACTED] and report information in intelligence format. Headquarters noted that the State Department and the Embassy were actively involved in this matter.

226. July [REDACTED] 1995 Station Report. The Station reported that the Ambassador had been unavailable for consultations [REDACTED]

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[REDACTED] but that [REDACTED]

[REDACTED] had no information on the Callahan case.

227. [REDACTED]

228. [REDACTED]

229. [REDACTED]

[REDACTED] received a telephone call from the RSO who stated that Callahan had reported he was robbed and beaten on July 7 but refused the RSO's offer to provide an escorted ride to the Embassy. He also refused refuge in the Embassy. [REDACTED]

230. [REDACTED]

127
~~SECRET~~

231. 

Other Reporting

232. CIA records include reporting from FBIS, State and the Defense Attaché.

- ◆ **July 11, 1995 Embassy Telegram.** The Embassy reported that Callahan called the Embassy Duty Officer on July 4 and reported he had been hit with a baton by a soldier on July 3. He declined assistance but wanted the incident to be recorded. On July 7, Callahan was attacked by two men who were driving in an unmarked car. He reported the incident to the Embassy on the following day as a robbery. Callahan subsequently stated the incident was not a robbery and advised of his intent to report it to the UN Human Rights Verification Commission. Callahan advised that the perpetrators told him to return to the U. S. On July 9, Callahan provided a sworn statement and referenced a connection between the incidents on July 3 and July 7. The Embassy contacted the D-2 and Presidential Human Rights Commission concerning this matter.

- ◆ **July 11, 1995 State Telegram.** State provided press guidance to various Embassies indicating the July 7th attack on Callahan was the result of his work as a filmmaker.
- ◆ **July 12, 1995 State Telegram.** State advised the Embassy of a protest that had been filed with the Guatemalan Ambassador to the U. S. on July 11. State expected a full investigation and the Guatemalan Ambassador agreed. Callahan was also contacted and advised of State's actions.
- ◆ **July 13, 1995 Embassy Telegram.** The Embassy provided a summary of its contact with various Guatemalan officials. The Chief of the Presidential Military Staff indicated the possibility that Mobile Military Police may have been involved in the Callahan incident.
- ◆ **July 13, 1995 Embassy Telegram.** The Embassy advised that the first incident involving Callahan was on July 4 and not July 3 as initially reported.
- ◆ **July 13, 1995 FBIS Report.** The FBIS text of a July 10 Guatemala television newscast indicated that the Human Rights Commission of Guatemala condemned the Callahan kidnapping and called it a physical and psychological attack. Callahan was identified as a member of a goodwill mission from Texas. He was warned by his kidnappers that his actions in Guatemala fostered an unstable political climate. The Commission demanded a thorough investigation by the authorities.
- ◆ **July 14, 1995 FBIS Report.** The FBIS text of a July 12 Guatemalan City Prensa Libre article detailed a communiqué by the Guatemalan Mutual

Support Group. The group condemned the Callahan attack in front of the National Palace, noting that it was the second incident against him. According to the Guatemalan Mutual Support Group, two individuals in a blue, four-door vehicle kidnapped Callahan on July 7. He was held for two hours and encouraged to leave the country. The communiqué emphasized that human rights violations could cause the suspension of peace talks.

- ◆ **July 18, 1995 State Telegram.** State provided press guidance to various Embassies detailing the assistance provided to Callahan in obtaining medical care and filing a complaint with the Public Prosecutor.
- ◆ **July 20, 1995 [REDACTED] Report.** [REDACTED]
[REDACTED] denied that the incidents resulted from Army policy. Callahan was hit by a soldier while filming anti-Guatemalan Government protesters on July 4. On July 7, he was picked up, beaten, and warned by unknown assailants. [REDACTED] indicated the possibility that off duty Army elements, who operate outside of senior leadership, could have been involved.
- ◆ **July 20, 1995 Embassy Telegram.** The Embassy detailed Ambassador McAfee's meeting with Defense Minister General Mario Rene Enriquez. Enriquez indicated that great effort was being expended on this inquiry. The Ambassador and Defense Attaché advised they were impressed with the D-2 efforts.
- ◆ **July 27, 1995 Embassy Telegram.** The Embassy detailed developments. On July 7 and 13,

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Callahan was interviewed by State investigators in Dallas. A sketch of the English speaking assailant was obtained and forwarded to the Embassy. The sketch and State report were provided to the Public Ministry, Office of the Ombudsman for Human Rights, Estado Mayor, and D-2. On July 7, the Embassy provided the name of the restaurant where Callahan ate before being abducted. The D-2 asked for additional information and Callahan was reinterviewed.

Personnel Recollections

233. 

IS THERE ANY EVIDENCE THAT CIA EMPLOYEES OR ASSETS WERE DIRECTLY OR INDIRECTLY INVOLVED IN THE DEATHS, DISAPPEARANCE, OR ABUSE OF THESE INDIVIDUALS?

CIA Employees

234. No CIA employees have been alleged to have been involved as participants in the deaths, disappearance, or abuse of any of these individuals. No information was developed during the

course of this investigation that remotely suggested that any CIA employee was involved in the death, disappearance, or abuse of any of these individuals.

235. In Ortiz's case, her claim that the individual who rescued her from her torturers had an American accent remotely suggests a possible connection between her abduction and abuse and the Embassy or the Station. No information has been identified that would tend to substantiate Ortiz's speculation about the individual with a North American accent. Further, the suggestion that this unknown individual may have been affiliated with CIA is even more speculative and is not supported by any information that has been identified in CIA records.

236. [REDACTED]

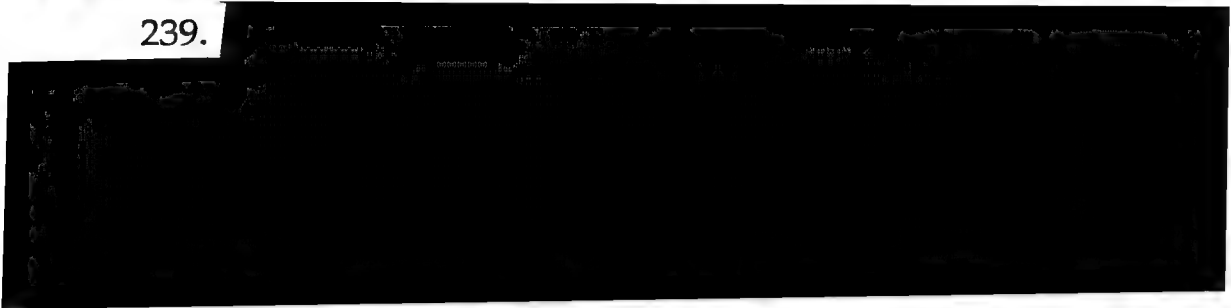
237. [REDACTED]

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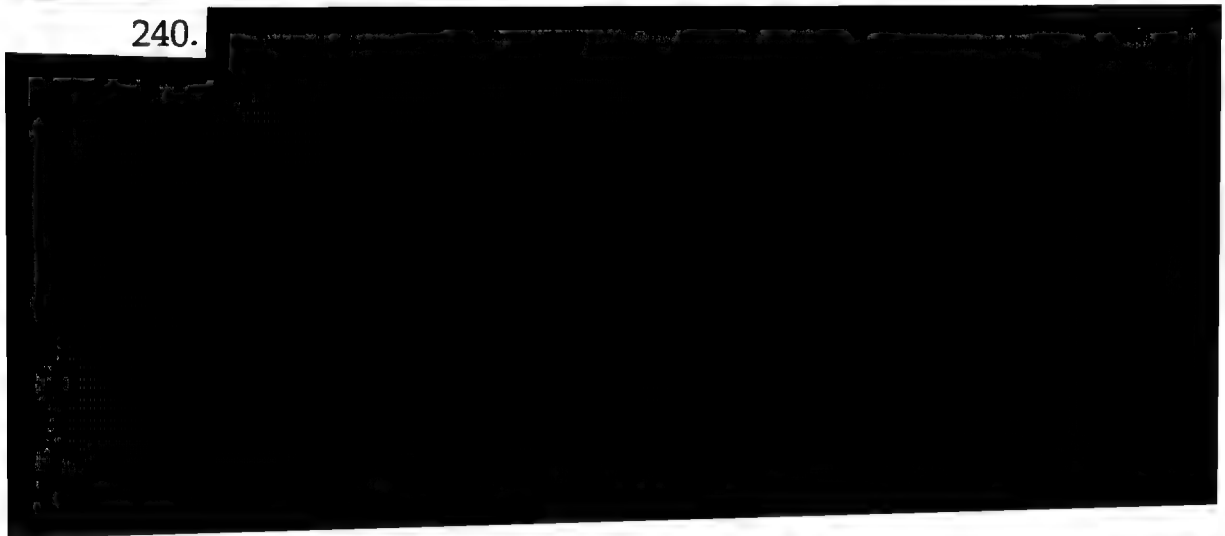
238.



239.



240.



241.



133
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[REDACTED]

WHAT ARE THE FACTS AND CIRCUMSTANCES SURROUNDING A DRAFT CABLE FROM GUATEMALA CITY STATION ENTITLED "STATION INVESTIGATION OF HUMAN RIGHTS VIOLATIONS IN GUATEMALA," DATED OCTOBER 15, 1991? WHAT INFORMATION DID IT CONTAIN THAT PERTAINED TO HUMAN RIGHTS ABUSES AGAINST U.S. CITIZENS? WAS THE CABLE EVER TRANSMITTED TO HEADQUARTERS? WHAT DO AGENCY PERSONNEL INVOLVED RECALL ABOUT THE ISSUE?

242. An October 15, 1991 draft cable obtained from Guatemala City Station [REDACTED] contains information that tends to substantiate Dianna Ortiz's claim that she had been kidnapped. The cable consists of seven double-spaced typed pages. The document is addressed as an EYES ONLY immediate precedence cable to Chief, Latin America Division and is entitled "Station Investigation of Human Rights Violations in Guatemala." There are no references indicated in the space marked "REF." The last page of the document indicates that it was drafted by Station Officer [REDACTED] and is dated October 15, 1991. There was no indication it, or some of the specific information it contains regarding the Ortiz and Mack cases, was ever shared with Headquarters by the Station.

243. The stated purpose of the 1991 cable was to provide Headquarters with the content of certain recent revelations. The first paragraph of the cable indicates that, over the past year, the Station had been receiving increasingly disturbing reports of alleged human rights abuses involving the D-2, the Guatemalan Army and other components of the Guatemalan Security Services. The text indicates that the Station took each report seriously and that each report was generally insufficient from an evidentiary standpoint to merit intelligence dissemination, but the Station concluded that certain of the accusations may in fact be true. The text also states that many of the cases cited required further investigation and that such investigation was considered a top priority of the Station.

244 The draft cable contains a paragraph pertaining to Dianna Ortiz. That paragraph states:

Kidnapping of Dianna [Ortiz]: Dianna [Ortiz] is a U. S. citizen and Roman Catholic nun who claims to have been kidnapped and released more than a year ago by Guatemalan ... a story with suspicion because of the tactics commonly used by leftist propagandists in Guatemala (False kidnappings, etc. and the unconvincing content of her story. [redacted] told Station, however, that she was in fact kidnapped as she claimed, probably by the S-2 Office of Military Zone 302, with Headquarters in Chimaltenango, Chimaltenango Department (She was kidnapped in Antigua, Guatemala which is in MZ 302). Station must stress that [redacted] has simply said that he knows she was kidnapped, but has not provided any specific information surrounding the kidnapping. In view of the extreme sensitivity of this case, this is a crucial point. As Headquarters may be aware, the case has received extensive news coverage in the U. S., including a story on the 20/20 news show. In the opinion of [redacted] she was probably not raped or otherwise mistreated as she claimed, however. [redacted] said that women are not normally sexually molested and if there had been any physical mistreatment by her captors she would have been killed rather than released. [redacted] said that, according to what he knows of such affairs, women who are not released are usually stabbed and left at a public bus terminal so they will be found and the death reported as an ordinary criminal incident. Those released unharmed are sometimes drugged and then released. When they come to they are disoriented and often unable to give an account of what happened to them. This may well have been the case with Ortiz. [redacted] added that Ortiz was in contact with leftist guerrillas, which led to her arrest. We repeat, [redacted] was unable to give further details, but was clear in stating that Ortiz had been kidnapped.

245. The draft cable also contains a paragraph pertaining to Myrna Mack. That paragraph states:

Myrna (Mack) Chang: [redacted] reports that the [redacted] Service assassinated the police officer assigned to investigate a number of human rights cases, including the murder of Myrna (Mack) Chang, a member of the Guatemalan guerrilla political structure. Although [redacted] did not say that the [redacted] Service killed Mack, [redacted] said that he believes from the nature of the killing and the attempts to shift the blame to the [redacted] Service

(the prime "suspect", who cannot be located, is a former [redacted] member) that the [redacted] Service may well have killed her. To balance this, [redacted] reported that a criminal killed the police officer because of a corruption case the slain policeman was involved in. The [redacted] Service produced a tape which has a confession of the alleged killer, a petty criminal. [redacted] reports that the [redacted] Service induced a criminal to take the fall for the killing, with a promise of later release. This is possible, and it is possible that the accused criminal or others were asked to carry out the killings by the [redacted] Service. It is also possible that the [redacted] were not involved.

246. The draft cable also contains information [redacted] concerning Lt. Col. Julio Roberto Alpirez. [redacted] that information was subsequently included [redacted] in a October [redacted] 1991 sensitive Memorandum Dissemination [redacted] (The information concerning Alpirez is discussed in greater detail in Volume II of the CIA Inspector General's Report of Investigation regarding Agency activities in Guatemala.) The draft cable also contains information obtained [redacted] on the death of a Sandinista Military Intelligence Officer in Guatemala City, and the alleged killing of 15 criminals [redacted] in October 1991.

247. Extensive searches of the CIA records system failed to locate a copy of the draft cable at CIA Headquarters. [redacted] the Latin America Division Desk Officer [redacted] in 1991, has no recollection of the draft cable or its contents.

248. [redacted]



[REDACTED]

[REDACTED]

249. [REDACTED] remembers preparing the October 1991 draft cable, and vaguely recalls the information being sent to Washington in some form, albeit slightly different from the original draft. [REDACTED] says he prepared the draft cable in response to a request by COS

[REDACTED] does not recognize the information pertaining to Ortiz or Mack, and cannot recall how he obtained that information to include in the draft cable. He is confident that he would recall if [REDACTED] had provided him with the information contained in the draft cable. [REDACTED]

[REDACTED]

250. [REDACTED]

[REDACTED]

[REDACTED]

251. [REDACTED] the Deputy Chief of Station in Guatemala City [REDACTED] has no recollection of the draft cable. He says that, after he read it, some of the information seemed familiar.

252. Former COS [REDACTED] says he did not instruct [REDACTED] to prepare the draft cable. He has no memory of seeing it before being shown the document recently, but refers to it as "vintage" [REDACTED]. He points out that the information regarding Ortiz was speculation on the part of [REDACTED] and as COS he would have been reluctant to add to the rumors that were flying around about Ortiz. He points out that CIA did not publish sensational unsubstantiated information such as most of the information contained in the draft cable.

253. The Headquarters file concerning [REDACTED] includes no information concerning Ortiz or Mack resembling that in the October 15, 1991 draft cable. Information concerning Mack, [REDACTED] in the October 1991 draft cable, is very similar to that [REDACTED] in an August [REDACTED] 1991 Station Report that is described in paragraph 119 of this Report.

254. Although [REDACTED] and [REDACTED] state that [REDACTED] information on Ortiz was not suitable for reporting because it was unsubstantiated or speculation, other reporting concerning Ortiz from [REDACTED] was shared with Headquarters that was equally unsubstantiated. For example, an April [REDACTED] 1992 Station Report indicates that [REDACTED] two captured guerrillas said that they had been waiting for Ortiz to bring them food and ammunition. This information appears to be wholly unsubstantiated, yet was sent to Headquarters and was not corroborated through other means.

255. [REDACTED] who authored the October 1991 draft cable, later contributed to an April 10, 1992 Station Report that was in response to a Headquarters request for an assessment of the Ortiz case and "any information that Station may have on the incident." Yet the [REDACTED] information that was included in the October 1991 draft cable supporting Ortiz's claim that she was kidnapped was not included in the April 10, 1992 Station Report. [REDACTED]

[REDACTED] it cannot be determined whether the [REDACTED] information that tended to support Ortiz was omitted from the April 1992 Station assessment of

her claims because it was forgotten or because it contradicted the prevailing Embassy and Station assessment of the case. [REDACTED]

[REDACTED] it cannot even be determined which Station officer, if any, actually collected the information [REDACTED]

256. The October 1991 draft cable also contained information on the Mack murder that was not sent to Headquarters. Again, it cannot be determined who, if anyone, collected the information and why it was not acted upon. It is clear that Station officers did not follow up on the new Ortiz and Mack information.

WHAT WERE CIA'S RESPONSIBILITIES FOR CONGRESSIONAL NOTIFICATION CONCERNING THESE MATTERS? WAS INFORMATION REGARDING THE FATE OF THE NINE U.S. CITIZENS AND MACK SHARED WITH THE CONGRESSIONAL OVERSIGHT COMMITTEES?


257. While CIA is subject to general statutory obligations to provide information to the congressional intelligence oversight committees⁴, there is no specific statutory or policy requirement that the CIA provide intelligence information to Congress concerning human rights abuses involving American citizens or non-U. S. citizens such as Mack. However, as a matter of practice, the Agency does provide information to Congress if the circumstances appear to warrant notification or in response to specific inquiries. [REDACTED]

[REDACTED]


⁴ The scope and nature of those statutory obligations are discussed in detail in Volume I of the July 15, 1995 OIG Report concerning Agency activities in Guatemala.

258. There was no significant CIA reporting concerning Wolfe, Blake and Davis, Larson, Zinner, Tiscione, Weinstock, and Callahan. Therefore, CIA had no information on those cases to share with the oversight committees.

259. CIA reporting concerning the Ortiz kidnapping was sketchy or not generally relevant to the circumstances of her abduction, except for the October 15, 1991 draft cable that was not shared with Headquarters by the Station. Even if the contents had been forwarded to Headquarters, it is not clear that it would have been shared with the oversight committees without further corroboration.



260. CIA reporting on Mack was not generally relevant to the circumstances of her death,



CONCLUSIONS

261. No evidence has been found to indicate that any CIA employees were involved, either directly or indirectly, in the deaths, disappearance, or abuse in Guatemala of the nine U.S. citizens discussed in this Report or Myrna Mack.

262. [REDACTED]

[REDACTED] according to Guatemalan press reports, [REDACTED] was allegedly one of those responsible for Mack's death. In addition, [REDACTED] has been found liable by a U.S. District Court judge for human rights abuses in Guatemala by virtue of his position as Defense Minister in an uncontested civil suit brought by Ortiz and others.

263. Agency intelligence reporting on the cases in question appears to have been too sketchy to warrant reporting to Congress, although further inquiry could have added to its significance. The Agency acquired no direct evidence of CIA asset involvement in human rights abuses against the nine U.S. citizens that would have been reportable. [REDACTED]

264. Guatemala City Station's reporting on human rights issues was in fulfillment of its [REDACTED] requirements, but there appears to have been a lack of analysis and sustained effort to obtain further information concerning alleged human rights abuses [REDACTED]

265. [REDACTED]

[REDACTED]

266. There are indications that some positive steps were taken beginning in May 1993 to deal with human rights issues regarding Guatemala Station [REDACTED]

[REDACTED]

[REDACTED] Also, at Headquarters' direction, and in light of attention focused on the Agency's handling of human rights issues, the Station was active in seeking information [REDACTED] and offering assistance to the Ambassador in the Daniel Callahan case in 1995 and the attack upon June Weinstock in 1994.

267. The October 15, 1991 draft cable that was not sent to Headquarters contains information that corroborated Ortiz's claim that she was kidnapped. This is significant in that it is the only information obtained [REDACTED] that supports Ortiz and contradicts previous and subsequent Station and Embassy assessments of Ortiz's claims. None of the Station personnel who were involved can explain where the information came from. The information should have been followed-up and also reported to Headquarters, as was other unsubstantiated information relating to the Ortiz case. The basis for the failure to follow-up and report this information to Headquarters cannot be determined because of the lack of personal recollection and documentary record.

[REDACTED]

[REDACTED] A. R. ~~Zin~~ ~~quegrana~~

[REDACTED]

~~SECRET~~

RECOMMENDATIONS

1. The Deputy Director for Operations should ensure that all allegations of human rights violations against [REDACTED] are thoroughly investigated and documented.

2. Although it is difficult to determine accountability with regard to the October 1991 draft cable, the information contained in it regarding the Myrna Mack and Dianna Ortiz cases should have been reported to Headquarters. The fact that it was not represents poor judgment on the part of Station management and personnel. [REDACTED]

[REDACTED] was the Chief of Station (COS) and as such bears ultimate responsibility for everything that occurred at the Station during his tenure there. Agency management should consider whether COS [REDACTED] performance in this regard was consistent with the level of performance expected of a COS.

CONCUR:

F. P. Hitz

Frederick P. Hitz
Inspector General

9/15/95

Date